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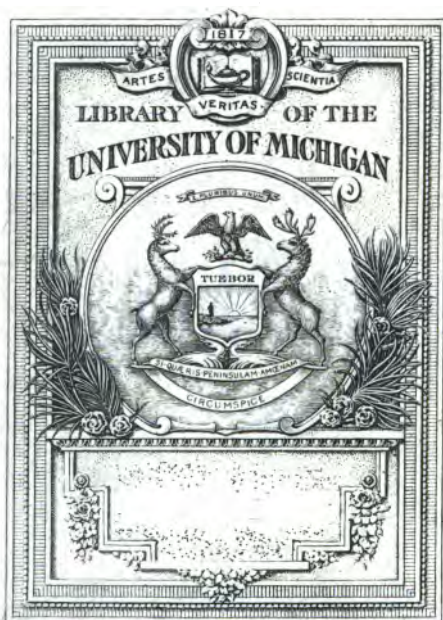
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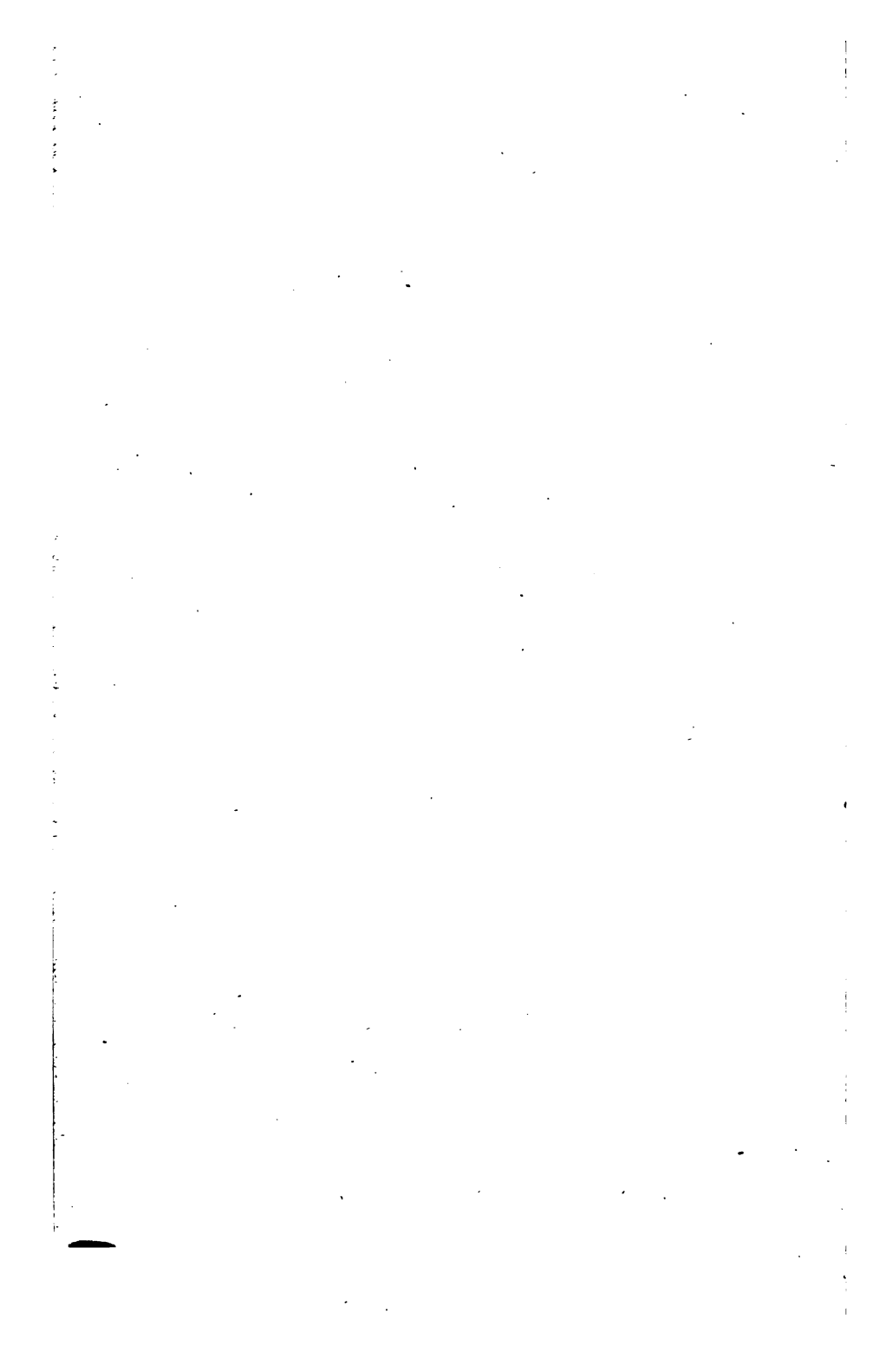
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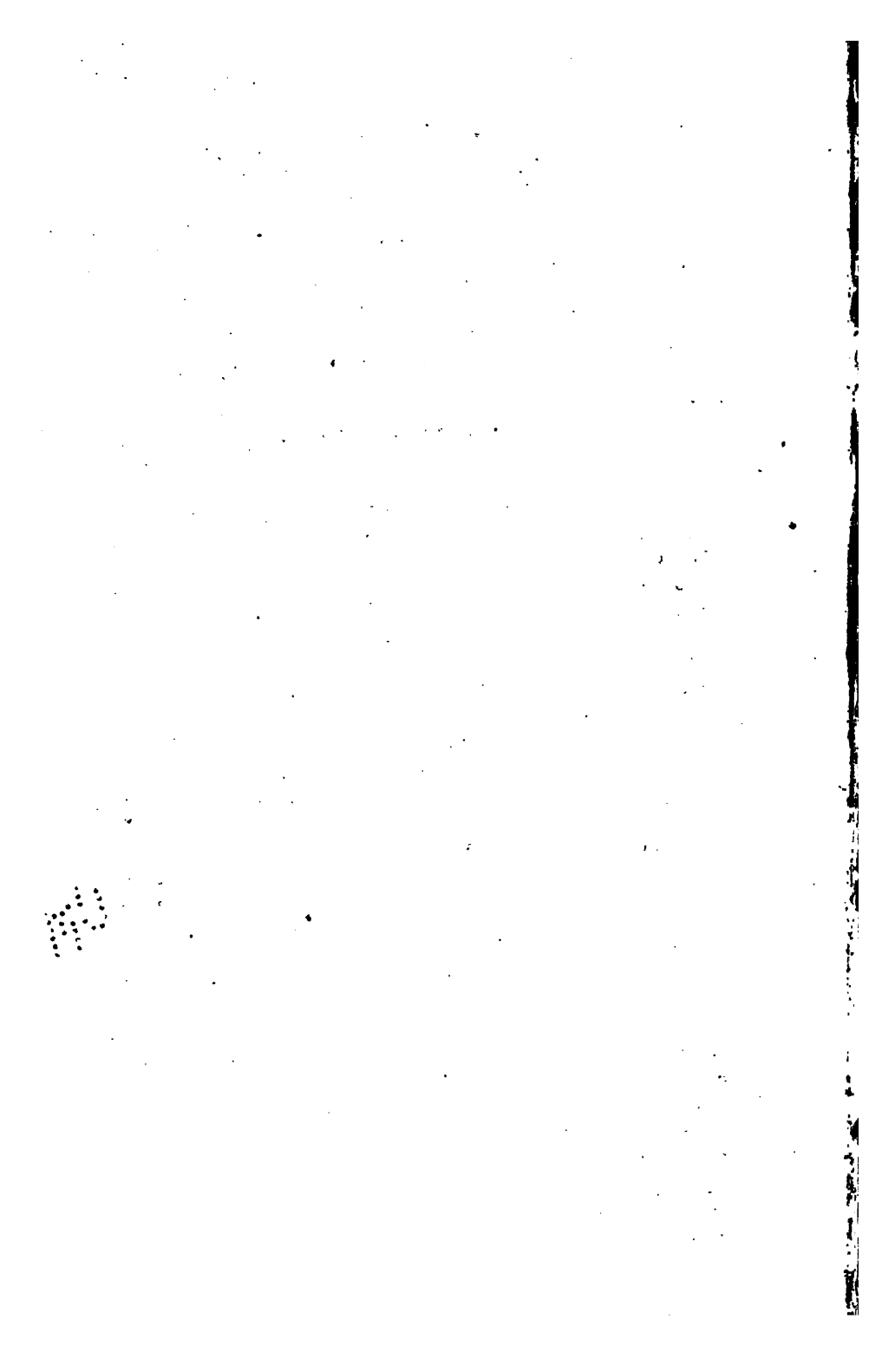


THE  
RIGHTS OF LABOUR DEFENDED:  
OR  
**THE TRIAL**  
OF THE  
GLASGOW COTTON SPINNERS,  
FOR THE ALLEGED CRIME OF  
**CONSPIRACY, &c. &c.**  
TO MAINTAIN OR RAISE THE WAGES OF LABOUR,  
BEFORE THE  
HIGH COURT OF JUSTICIARY,  
AT EDINBURGH,  
*On the 10th and 27th November, 1837.*

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TO THE  
PRODUCTIVE CLASSES  
OF  
GREAT BRITAIN AND IRELAND,  
AND TO THE  
PUBLIC IN GENERAL.

FIVE months are now nearly gone, since the Committee of the Associated Cotton Spinners of Glasgow were ruthlessly seized, in the lawful discharge of their duty, by a band of Police, dragged to prison as felons, and there treated in a manner unparalleled in the annals of the history of the worst days of a Sidmouth or Castle-reagh.

Every thing was done by those in power, who committed the brutal assault, to pervert facts, and prejudice public opinion against their victims, through the means of the press, till public indignation was roused to its highest pitch, and scarce a voice dared to be raised, even to throw a doubt on the Spinners' alleged guilt; and far less attempt a vindication of their character from the foul charges of which they had so unsparingly been accused. Time, however, rolled on, and public clamour began to subside into something like a calm. The Glasgow Assizes for criminal cases was near at hand, and the public expected then to have developed to them a system of conspiracy, fire-raising, and murder, hitherto unknown in the annals of crime.

What, however, was the result? Instead of bringing these eighteen men, who had thus been charged, to a speedy punishment for the crime of which they were blamed, it was understood that the Public Prosecutor had no intention, at that time, of submitting the case to a jury of their countrymen.

The public then began, for the first time, to suspect that all that was said regarding these victims of oppression and tyranny could not be true, or else, why delay their trial? It then became evident to their friends, that the object of their prosecutors was not justice, but punishment without conviction, in order to tire out the patience of some of the sufferers to an acknowledgment of some crime they

really were not guilty of, in order to justify their own foul deeds and unlawful proceedings. Consequently, measures were adopted to compel the Public Prosecutor either to bring these men to a trial, within a given time, or otherwise liberate them from their dungeons. These proceedings had the effect, at several periods, of reducing the number of the victims to five; the others were liberated on the smallest amount of bail the law allows. In the mean time, the Committees of the Trades of Glasgow were convened, to take their case into consideration; and they appointed a Committee of Inquiry, composed of delegates from each Trade, with power to add to their number, and do otherwise in the matter as the circumstances of the case might justify. The proceedings of that Committee have now been known throughout every part of Great Britain and Ireland, and their appeal for support to obtain justice for the injured and oppressed, although at a very high price, has been nobly responded to, from all parts of the country, by the working classes in particular; and a few noble and honourable exceptions among the middle and higher ranks of society.

On the 24th of October, at the last hour of the last day that the law, bad as it is, allowed the Public Prosecutor to indict the five remaining prisoners, or set them at liberty, they were served with their indictments. After they had retired to their miserable cold stone cells to pass another dreary night, they were awakened near 12 o'clock at night by the rattling of keys, unlocking of iron gates, and massy bolted doors, and had placed into each of their hands a copy of the most extraordinary indictment, perhaps, ever submitted to a court of justice, and fixing their day of trial to come on at Edinburgh, on the 10th day of November, thus only allowing them fifteen days to prepare their defence, which the Public Prosecutor and his substitutes had taken three months to concoct. Mr. Andrew Gemmill, their most indefatigable agent, was not, however, to be outdone. In proportion as obstacles arose, his energy redoubled in the cause; every other business was instantly laid aside; fifteen extra clerks were immediately employed night and day, to copy the precognitions of the Crown witnesses, and exculpatory evidence, which has amounted to two large folio volumes, of which eight copies have been made for the use of Counsel and Agents, thus in all making the whole sixteen folio volumes, containing the evidence of upwards of one hundred and fifty witnesses in different parts of the country, all of whom were precognosed by Mr. Gemmill *personally*, in the short period of fifteen days—an achievement unprecedented in the annals of criminal jurisprudence. The Trades' Committee also in the same time redoubled their exertions: cor-

respondence was kept up with all parts of the country; delegations were sent to various parts of Scotland, which, aided a little by the moderately liberal, and nobly by the democratic Press, roused public attention and sympathy in favour of the oppressed; upwards of 50 exculpatory witnesses of the most respectable character were also procured, and sent at very considerable expense to Edinburgh; and all breasts beat high with expectation for a favourable result. The best Counsel the Scottish Bar could boast of, were engaged, and all prepared to do their duty. Three days previous to their trial, the prisoners were taken, unknown to their agent or friends, from the Bridewell of Glasgow to Edinburgh Jail, heavily loaded with irons. The eventful morning came at last; the Court was crowded; the Judges took their seats, with all the imposing ceremony which ancient times and customs had awarded to such proceedings; the whole Crown Lawyers took their proper places; and on the opposite side of the table were seen Duncan McNeil, Patrick Robertson, Alexander McNeil, H. G. Bell, and J. Anderson, Counsel for the prisoners. A cheer from the assembled multitude without, and the stoppage of an iron carriage like the boiler of a fifty horse steam engine, intimated the arrival of the prisoners, who in a few minutes entered the dock. They were all dressed in an entire new suit of clothes. Their appearance was altogether prepossessing and interesting, and when asked separately by the Lord Justice Clerk if they were guilty, all answered in a firm manly tone, "Not guilty, my Lord."

A most eloquent and learned discussion ensued on the prisoners' Counsel objecting to the relevancy of the novel and extraordinary indictment under which the prisoners were brought into Court; but for reasons which do not appear to have been satisfactory to the Bar, the Court was pleased to over-rule the objections. The prisoners' Counsel then wished the case to be decided by the Jury; but the Crown Counsel stating that it was "not convenient for them to proceed with the trial," the case was postponed till 27th November.

In the succeeding pages of this Number will be found the proceedings of the first day of the trial. It is not for the Committee, at the present stage of the business, to say what have been the motives to induce the Judges to adopt the extraordinary measure of postponing the trial. The postponement, however, does not only serious injury and injustice to the accused, who are again subjected to all the rigour and surveillance of a felon's treatment, and the "hope deferred" sufferings of their friends and families, but it also involves the Committee in *double* the expense that otherwise would have been incurred. All the Counsel will again be required to be engaged and paid: they have already nobly done their duty, and

were prepared to contend for justice to the last extremity. The exculpatory witnesses, who live in different parts of the country, will again all require to be summoned to appear, and brought at great expense from their homes to Edinburgh.\* In a word, the whole proceedings will have to be nearly gone over again. The Committee, however, expects that those who have hitherto so nobly responded to their call, will still continue their exertions in the defence of the rights of working men, against despotism and oppression. The Cotton Spinners have been long confined, and cruelly used, and deserve the sympathy and protection of every man and woman who has the least spark of humanity in their constitution. But there is still a stronger inducement to urge the working millions to rally round the standard of justice, which the Committee have raised. The present struggle is not so much for the life and liberty of a few men; but it is whether the millions of the productive classes of this country shall be made the mere slaves of the money-mongers, and other capitalists, and the victims of bad laws, partially administered; and when driven to unite, as their last resort to protect themselves, be immersed in dungeons, and treated worse than the *condemned* robber or assassin!

It shall not be so: the Committee have "nailed their colours to the mast," and are determined, whatever the result of this affair may be, never to cease their exertions in the cause of human emancipation, till justice shall be done to the oppressed and insulted operatives of Britain.

HUGH ALEXANDER, *Chairman.*

GLASGOW, November 18th, 1837.

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\* The Court has allowed a sum to assist in defraying the extra expense of conveying the exculpatory witnesses to Edinburgh; but it will not be equal to a tithe of the amount requisite.

## TRIAL, &c.

THE Court met at 10 o'clock, on 10th November, 1837. There were on the bench the Lord Justice Clerk, and Lords Mackenzie, Medwyn, Moncrieff, and Cockburn.

*Counsel for the Crown* :—The Lord Advocate (Murray), the Solicitor-General (Rutherford), and Robert Handyside, Esquire, and John Shaw Stewart, Esquire, Advocates-depute.

*Law Agents for the Crown* :—David Cleghorn, Esquire, Edinburgh, and George Salmond, Esquire, Procurator-Fiscal, Glasgow.

*Counsel for the Prisoners* :—Patrick Robertson, Esquire, Duncan M'Neil, Esquire, Alexander M'Neil, Esquire, James Anderson, Esquire, and H. G. Bell, Esquire, Advocates.

*Law Agents for the Prisoners* :—Charles Fisher, Esquire, Edinburgh, and Andrew Gemmill, Esquire, Glasgow.

The Prisoners were genteelly dressed, and their demeanour did not indicate any thing like conscious guilt.

The Indictment, including Inventory of Documents produced, and List of Witnesses and Assize, extended to thirty-seven closely printed pages; but as the contents are very confused, and, as appears to us, unintelligible except to lawyers, we prefer giving the *essence* of the Indictment in plain terms, so that our readers generally may understand the nature of the Case. The following are the heads of the

### INDICTMENT

*In an abridged form.*

The Indictment charged *generally*, That an Association was formed many years ago by the Cotton Spinners in Glasgow and vicinity, the precise period and place of its formation being unknown, "for the purpose of raising or keeping up the wages of the Operative Cotton Spinners;" That unlawful oaths were taken by the members of the Association to keep secret the transactions thereof; That large numbers of Cotton Spinners had been induced to join the Association, to whom illegal oaths were administered; That the Association had at various times resolved to strike work, "in order to obtain an advance of wages, or in resistance to a reduction of wages;" That on these occasions the members had illegally "conspired" together to intimidate, molest, and threaten the workmen acting contrary to the will of the united body; That the united body had appointed Guard Committees to watch at the Factories under strike, to intimidate the new hands, and had used threats and committed violence; That the Association had paid money as rewards to persons for perpetrating violence, and had aided them in escaping from justice; That the members of the Union had conspired together to send, and had sent, threatening letters to the masters of factories, or their managers, threatening them with personal violence, and to burn their premises; That Secret Committees were appointed to carry the threats into execution; And *particularly*, that a strike took place on the 8th of April, 1837, "on account of a reduction of the wages" resolved on by the masters, when a conspiracy was entered into, and various committees were appointed to overcome the resolutions of the Masters, by means of exciting terror and alarm in the minds of the Masters and Non-Unionists, by threatening them with personal violence, and destroying their premises; That Hunter was Chairman, Hacket Treasurer, M'Neil Secretary, Gibb assistant Secretary of the Association, and that M'Lean was one of the members of the Guard Committee; and that the whole Pannels were cognizant of, and took an active and leading part in the alleged unlawful acts charged. And more particularly, the libel contained the following *special counts* :—

1st. That, on the 14th of June, 1837, in a public-house in Gallowgate street,

Glasgow, the pannels, along with other members of the Union, had entered into a conspiracy to effect the object of the said strike, by force and violence, and committing injuries on persons and property, and had appointed, by ballot or lot, a Secret Select Committee, for carrying into execution the various unlawful acts before specified.

2d. That, on the 15th of June, 1837, within the said public-house, the said Association or Conspiracy, and the pannels, or the said Secret Committee, had hired certain "persons, to the prosecutor unknown," to assault the workmen employed in Robert Thomson & Son's factory, being one of the Cotton Mills under strike, which persons accordingly, that day, assaulted David Gray, and Edward Kean, both operative Cotton Spinners in the said factory, in pursuance of the objects of the conspiracy.

3d. That the said Association or Conspiracy, and the pannels, or the said Secret Committee, on the 20th or 22d day of June, 1837, wrote, or caused to be written, and transmitted through the Post-office of Glasgow, to Alexander Arthur, manager to the said Robert Thomson & Son, a letter containing threats of personal violence against him, for the part he had taken in opposing the objects of the said strike, and with the intent of deterring him from continuing to employ non-Unionists, and of forcibly and illegally raising or keeping up the rate of wages.

4th. That the said Association or Conspiracy, and the pannels, or the said Secret Committee, on the 3d day of July, 1837, wrote, or caused to be written, and transmitted through the Post-office of Glasgow, to the said Alexander Arthur, manager, foresaid, another letter, containing threats of violence as aforesaid, and with the illegal intent aforesaid.

5th. That the said Association and Conspiracy, and the pannels, or the said Secret Committee, on the 24th of July, 1837, wrote, or caused to be written, and transmitted through the Post-office at Glasgow, to John Bryson, manager of Mitchell & Morris's Cotton Mill, Greenhead of Glasgow, a letter containing threats of violence as aforesaid, and with the illegal intent aforesaid.

6th. That the said Association and Conspiracy, and the pannels, or the said Secret Committee, hired three persons named, "and other three or more persons, to the prosecutor unknown," to invade dwelling-houses of non-Unionists employed by the Mile-end Spinning Company, being one of the factories under strike, and offered, and paid "a sum of ten pounds, or some other sum to the prosecutor unknown," so to invade such houses, under cloud of night; and which persons so hired, did accordingly, on the 30th day of June, 1837, *forcibly invade* the house of Widow Michan, in which Thomas Donaghey, a non-Unionist, lodged, and did force him, under the terror of personal violence, to swear, or promise that he would leave the employment of the said Company; and that the said offenders were outlawed for the said crime—they having been provided with money by the said Association, to enable them to abscond from justice.

7th. That the said Association, and the pannels, or the said Secret Committee, hired or engaged "a certain person, or persons, to the prosecutor unknown," to set fire to the dwelling house of James Wood, a partner of Francis Wood & Co. whose Mill, in Bridgeton of Glasgow, was under strike, and offered said persons "£20, or some other sum or sums of money to the prosecutor unknown," to perform the said wicked act, and which unknown persons did, accordingly, on the 11th day of July, 1837, attempt to set fire to the dwelling house of Mr. Wood, by throwing through the window of his parlour, two tin canisters, containing inflammable or combustible materials, in each of which was a burning match, all in pursuance of the wicked object of the said conspiracy, and with the intent to raise or keep up the rate of wages.

8th. That the said Association, and the pannels *Hunter, Hacket, M'Neil, and Gibb*, or the said Secret Committee, did, on the 22d day of July, 1837, hire the pannel, *M'Lean*, to assassinate and murder a non-Unionist, employed in a Cotton Mill under strike, and engaged to pay him £20, "or some other sum to the prosecutor unknown," to induce him to commit the murder; and that the said *William M'Lean* did, accordingly, on the said 22d of July, fire a loaded pistol at John Smith, a non-Unionist in the employment of Henry Houldsworth and Sons, Anderston of Glasgow, and the shot took effect on the said John Smith, one of the bullets having entered his person under or near his right shoulder, in



consequence of which he was mortally wounded, and died of the injury on the 25th day of July, 1837, whereby Smith was murdered by M'Lean, in pursuance of the object of the conspiracy, and with the intent to raise or keep up the rate of wages. Or otherwise—

9th. That, in furtherance of the object of the conspiracy to intimidate, assault, and murder non-Unionists, and their masters or managers, the several pannels "did, all and each, or one or other of them," wickedly shoot at, and murder the said John Smith, with the wicked intent of "detering other workmen from continuing in, or taking employment at such rate of wages, or on such terms as they might choose." And the Indictment concludes that the pannels "ought to be punished with the pains of law, to deter others from committing the like crimes in time coming."

To the Indictment is affixed a list of 76 witnesses to be examined for the Crown, and 65 Jurors; and in the Report of the future proceedings, will be given a list of the witnesses who may be examined, and of the Jurors who may be balloted to serve on the trial.

The prisoners were then asked by the Lord Justice Clerk what they had to say to the charges brought against them in the indictment, and they severally answered in a firm and respectful tone of voice, "Not guilty, my Lord."

The following defences for the prisoners were lodged with the Clerk of Court. "The defendants are not guilty of any of the charges contained in the libel.

"In regard to the alleged murder of Smith, which seems to be more particularly charged as having been committed by the defender M'Lean, the Prosecutor has not specified the precise hour at which it is said to have been committed. It is proper to state farther, that either the whole or greater part of the night of the 22d July, 1837, M'Lean was in the public-houses of Angus Cameron, in Salt-market, and — M'Ilwraith, in Bridge-street, Glasgow, and in the vicinity of these places."

(Signed)

*Lord Polne*

PATRICK ROBERTSON.  
DUN. McNEILL.  
ALEX. McNEILL.  
JAS. ANDERSON.  
H. G. BELL.

Mr. DUNCAN McNEILL rose to address the Court, as Counsel for the pannels, on the relevancy of the Indictment, and spoke to the following effect:—My Lords, I have to explain in the outset to your Lordships, that although there are Counsel for each of the prisoners, and although there are separate interests involved, in discharging our duty to our clients, we shall follow the course that shall be least troublesome to the Court, by all of the Counsel appearing for each of the prisoners. The case, as stated by the Public Prosecutor, naturally divides itself into two parts. The interests of M'Lean appear to be stated differently from those of the others; and, therefore, we may find it necessary at the termination of the proceedings to enter a separate argument and address on behalf of the first four prisoners, and another in behalf of M'Lean: but we do not intend to trouble your Lordships and the Jury with a separate address for each of the first four in the indictment. I mean, first of all, to address to your Lordships some observations on the relevancy of the indictment. Although the prisoners are most anxious that the trial should be proceeded in, we, as their Counsel, feel that we would not be discharging our duty to our clients, or dealing fairly with the Court or the law, if we permitted an interlocutor of relevancy to pass without calling your Lordships' attention to some of its peculiarities. The observations which I am to address to your Lordships, have a twofold object. In the *first place*, some of them will be directed towards fixing the meaning and understanding of the terms of certain parts of this indictment, because the prisoners are entitled to know what are really and truly the accusations made against them—what is the meaning they are to attach to the terms of the indictment; and if we have not been able, to discover the Prosecutor's meaning in some parts, it is fair that we should hear it explained by the Public Prosecutor, and it is for your Lordships then to say what is the true and unequivocal meaning of the terms in question. In the *second place*, some of the observations I have to make are of the nature of positive objections. Your Lordships will observe that this indictment contains two accusations. The

prisoners are accused of an illegal conspiracy and of murder; but they were not accused *both* of an illegal conspiracy and of murder, but of illegal conspiracy or murder. Both of these charges are contained in the major proposition, but the subsumption is, "that true it is and of verity, that you, the said Thomas Hunter, Peter Hacket, Richard McNeill, James Gibb, and William McLean, are all and each, or one or more of you guilty of the said crime of conspiracy, as alone libelled, or otherwise, of the said crime of murder actors or actor, or art and part." It is not that they are guilty of the said crime of conspiracy and of murder, and one or other of them, but that you are guilty of the said crime of conspiracy, or of the said crime of murder; therefore this is a libel in which a verdict of conviction cannot be pursued on *both* these accusations. A general verdict, in this libel, is no verdict at all. The verdict must be, that "you are guilty of conspiracy or not." The pannels must be convicted in conspiracy or in murder; but under this libel they cannot be convicted on both of these charges. Now, this being an alternative libel, let us look at the proofs of it which make the charge of conspiracy. It is an illegal conspiracy of workmen, forcibly or illegally to raise or keep up the wages of labour; but it is not that *generally* stated—it is not only an illegal conspiracy to keep up wages, but an illegal conspiracy to do so by *certain specified means*, and the Public Prosecutor has specified these means. It is an illegal conspiracy to keep up the rate of wages, by means which he has specified, and to which he has limited himself. The means are stated to be, "the writing and sending of threatening letters to masters or their managers, and of wilfully setting fire to, or attempting to set fire to the dwelling-houses, mills, or warehouses of owners, masters, or their managers, and of the forcibly invading the dwelling-houses of workmen, of assaulting and murdering workmen, or by means of the perpetration of one or more of these unlawful acts," and so forth. Nor, it is not merely a conspiracy forcibly and illegally to raise and keep up the price of wages by these means, for the Prosecutor has taken another element into that conspiracy, namely, to "do these things by these means," with a certain specified *intent*—it is to raise the price of wages by these means, with the intent and purpose of deterring and intimidating workmen or masters "from giving or taking employment at the rate, or on the terms which they please, and of forcing them to do so, on the terms, and at the rate prescribed by the members of such illegal conspiracy." Then it is a conspiracy forcibly to raise the price of wages with a certain means and a certain intent. But the Public Prosecutor has not stopped here. He has said, "when such threatening letters are written and sent to such masters, or their managers, and fire is so set, or attempted to be set to dwelling-houses, mills, or warehouses of owners, masters, or their managers, and the dwelling-houses of workmen are invaded, and themselves assaulted and murdered, and one or more of these unlawful acts are perpetrated, in pursuance of the said object and purpose of such illegal conspiracy," &c.—it is an illegal conspiracy to raise the price of wages, with certain specified means and with a certain specified intent; and when these means are acted on in pursuance of the object, it must be to raise the price of wages—it must be with the intent specified that one or other of the things must be done—it must be to accomplish the object with a certain means and intent, and some one or other of the means must be used. This is the conspiracy charged; so that if it does not appear that the object of the conspiracy was to be accomplished by any of these means, if it was not to the extent here stated, it is not the crime here charged, and if none of these means were used it is not the crime charged. Now this being the case, and it being said that we are guilty of conspiracy or murder, then the Public Prosecutor goes on with the indictment first to the charge of conspiracy, and latterly to the charge of murder. The charge of conspiracy begins at the top of page 2, and continues until page 22. It is divided into two parts, and I think a natural and useful construction, generally speaking, is given to it. It sets out with a general statement, and proceeds to a more specific statement. Let us look first at the general statement, and then at the specific statement; let us run over them together. The general description begins at page 2, and ends at page 3. It relates to no particular time or place or circumstance. It sets forth that there existed "an Association of Operative Cotton Spinners, with the object and for the purpose of raising or keeping up the wages of the said operative Cotton Spinners;" then it says, that "in order, and with the intent more effectually to enforce and attain the said object and purpose,

the members of the Association unlawfully administered to each other, or took a secret oath, or engagement, or obligation, binding or purporting to bind the taker of it to acquiesce in, and support the resolutions, orders, or directions of the majority of the members of said Association," &c. Then it goes on to say, that "the said Association latterly included all or most of the operative Cotton Spinners working in the various cotton mills in the said city of Glasgow and adjoining districts." Then at the bottom of page 2 and top of page 3, it states, that "the said Association at various times resolved that the members of the Association, or those of them employed in certain of the said Cotton Mills, should strike work, in order to obtain an advance of wages, or in resistance to a reduction of wages, or on account of some other dispute or difference between them or certain of them and their masters; and on these occasions the members of the said Association illegally and feloniously conspired, confederated, and agreed together for the purpose of forcibly, and illegally raising or keeping up their wages, or prevailing in the dispute or difference existing at the time, between them and part of them, and their masters, to use intimidation, molestation, and threats to workmen continuing in the service of the Masters," &c. Then, that "in furtherance of said illegal conspiracy, the said Association, on these occasions, from time to time nominated and appointed certain of their number, who had so struck work, to be a Committee, called a Guard Committee, to watch by themselves or by others, members of the Association, under their orders and direction, the Cotton Mills where the members of the said Association had struck work, for the purpose, by means of the terror and alarm caused by such demonstrations of force, and by means of menaces, molestation, and threats of intended violence to the persons of other operative Cotton Spinners, of intimidating them from continuing to work at the said Cotton Mills, on other or different terms from those demanded by the members of the said Association who had struck work." Then at the bottom of page 3, it says, that money was voted out of the funds of the Association to the Guard Committee, to enable them to carry the objects and purposes of its appointment into effect; "to pay and reward the actual perpetrators of the said acts of intimidation, molestation, and assault on said operatives." Then at the top of page 4, it goes on to say, that "in cases where a member or members of the Association, or other persons employed by the said Guard Committee or the said Association, were apprehended and committed for trial on charges of having assaulted operative Cotton Spinners continuing to work, or engaged to work, or willing to engage themselves to work at said Cotton Mills, on the terms proposed by the said masters, the said Association, in order to frustrate the ends of justice, and that the said member or members, or other persons, might elude trial and punishment by absconding, procured law-agents, or other persons, to become cautioners in the bail-bond required to be executed for the appearance of the accused to stand trial, by advancing out of the funds of the Association, and placing in their hands the amount in money of the penalty in the bond to be paid by them on forfeiture thereof by the flight and fugitation of the accused." Then in the middle of page 4 it goes on to say, that they conspired to write threatening letters, and invade the dwelling-houses of workmen, and to set fire or attempt to set fire to dwelling-houses of owners, and to assault and murder the said workmen or managers of the Cotton Mills. Then at the top of page 5, that they appointed a secret select committee, the names of the members of which were kept secret from the ordinary members of the Association, "the office and functions of the said committee, and the intention and purpose of its appointment, as was well known to the members of the said Association, was to enforce and obtain the object of the strike, at the time of its appointment, and organizing and preparing the means, and making choice of and engaging, and hiring or rewarding the persons to be employed in forcibly overcoming the opposition to the strike as aforesaid, by the masters, managers, and workmen then employed in said cotton mills, and that by means of wickedly, illegally, and feloniously writing and sending threatening letters," and so forth. This is the general description, relating to no time or place or person, or circumstance. Then it goes on to the more specific statement applicable to a strike in April, 1837. Then it goes on to state that the Association existed during 1836 and 1837, and that in particular, in April, 1837, there was a strike—(top of page 6)—that they struck nearly in a body. Then it says that they conspired to appoint, and did appoint a guard committee for the

purpose of watching the Cotton Mills, with the wicked and felonious intent of intimidating and deterring the operatives willing to work. Then (page 7) it is said that they did do so, that they did beset the approaches to the Cotton Mills, and by insolence and menaces created terror and alarm among the operatives willing to work. Then it says that the accused were members of the said Association; and at page 9, that they being parties to the strike, and participants in the illegal acts of intimidation and molestation, and so on, resolved to go a step farther, to assault and murder. In pursuance of that object, they appointed a secret or select committee, and that secret committee, thus appointed, did those acts they were required to do, committed acts of violence as already set forth, the last of them being the slaughter of Smith. This is all, as I understand, under the charge of conspiracy; and the first difficulty that presents itself to my mind under that, is this question, is M'Lean or any of these prisoners charged with the murder of Smith to be tried under a charge of conspiracy, or are they not? A conspiracy to do an act or certain acts is not to do them. A conspiracy to do certain things by certain means is not necessarily to use these means. But it is said here that a conspiracy existed, and I ask is this a charge against the prisoners of murder or not? It is said at the bottom of page 21, that "the said John Smith was thus assassinated and murdered by you the said William M'Lean, hired, engaged, instigated, or directed, or procured to assassinate and murder him, by the said illegal Association or conspiracy," &c. Is this a charge of murder against the prisoners? They are charged alternately with conspiracy or murder. These two charges are put alternately against them. Is it intended to charge them with the crime of murder under the crime of conspiracy, or that this murder is a circumstance in evidence of conspiracy—a crime perpetrated in evidence of conspiracy; but not a crime with which they are specifically charged? Under this indictment they cannot be convicted both of the one and the other. There may be both conspiracy and murder; but here the Public Prosecutor has not charged both conspiracy and murder, but he has charged me as being guilty of conspiracy or murder, and I want to know whether I am here to be tried for murder under the name of conspiracy, or whether that murder is set forth as an incidental circumstance indicative of conspiracy? I cannot say with which of those crimes I am charged. If the Public Prosecutor charges me with the crime of conspiracy, and if the crime of murder was done in the way of conspiracy, that crime is not capital. If he says in furtherance of that, that I committed a murder, I want to know whether under that count of conspiracy which he has alleged here, that I am capital to be charged with the crime of murder. Let us look a little farther into this matter, and see what is the nature of the alleged conspiracy. Observe, I cannot be charged of conspiracy to raise the price of wages by sending a threatening letter, and of murder, at the same time. What, then, is the nature of this conspiracy? Look again to the general history of it, which begins at page 2, and ends at page 3. The first thing I want to know here is whether this Association mentioned here consisting of a great number of operative Cotton Spinners, "including all or most of the operative cotton spinners in the various Cotton Mills in the said city of Glasgow and adjoining districts,"—whether it is intended that that Association is an illegal conspiracy, *ab initio*,—that such in its general and permanent nature and character, or whether it is meant also to charge that at certain times and occasions conspiracies were formed, and that these conspiracies so beginning, going on, and ending, and fresh conspiracies beginning, going on, and ending, as the objects they had in view called for them, had the objects and means in view described here? I want to know whether it is that the inherent nature of that Association was in itself a conspiracy, because an illegal association is not the thing charged here. There are certain statutes against illegal conspiracy, and the framer of this indictment had these statutes in his eye, and in his mind, when drawing it out; but here the statutes against illegal associations are not libelled on, and the Association is not called a conspiracy at the beginning, but it is simply said that an Association was formed, consisting of a great number of Cotton Spinners, for a certain object and purpose. Let us see from the rest of the history of this Association, whether it was originally a conspiracy, by these illegal means mentioned here, or not. This Association, having for its object to raise the price of wages, to accomplish it did some unlawful acts, and the first of these acts was the administering or taking an unlawful oath; nor is that said to be a conspiracy. At the bottom of 2d page, it says—"that the said

Association at various times resolved, that the members of the Association, or those of them employed in certain of the said Cotton Mills, should strike work, in order to obtain an advance of wages, or in resistance to a reduction of wages, or on account of some other dispute or difference between them, or certain of them, and their masters: and on these occasions," that is the occasions of strikes, and not permanently, or on any other occasions, "the members of the said Association illegally, and feloniously conspired, confederated, and agreed together, for the purpose of forcibly and illegally raising or keeping up their wages, &c." It is on these particular occasions that a conspiracy was formed, and it is here described, that "on these occasions members of the said Association illegally and feloniously conspired." Here is a special conspiracy, for a special purpose—to set down a particular dispute existing at the time, shewing that these conspiracies are occasional—that they took their origin at a particular strike—that their purpose is accomplished when they put down the dispute existing between them and their masters, that it was only on such occasions that members "conspired and confederated." That is the time when they did so; and it was done to keep up the price of wages, and for that purpose they are said to have used "intimidation, molestation, and threats." I may here remark, in passing, that this conspiracy, in order to accomplish the objects arising out of a particular dispute between the operatives and their masters, is said to have been to use "intimidation, molestation, and threats towards workmen;" but it is not said that the object of it, on this occasion, was to threaten masters, to set fire to the dwelling-houses or mills of masters, or to do anything to them at all; but the object of the conspiracy is to do certain things towards intimidating workmen. Here it is said, that the said Association, on these occasions—that is, on the occasions of these particular strikes, from time to time appointed a Guard Committee to intimidate, and that they did intimidate workmen, and did also assault them; and that money was provided to persons for so doing; that bail-bonds were granted, and that the amount of them was paid to those who were induced to grant them, that the perpetrators of the crimes here alleged might elude the punishment which the law inflicts against such crimes. Here, then, it will be observed, comes a second conspiracy; and that conspiracy not existing during the whole period of the strike; it is of a more limited and temporary character than the other at the middle of page 4 of the indictment; it says, that the members of it, "on special occasions, during the continuance of strike, ordered, by them, as aforesaid, for the purpose of forcibly and illegally overcoming the opposition given to the object and purposes of their strike, by their employers, and by workmen continuing in, or proposing and willing to enter into the service of the said masters," &c. These, my Lords, are conspiracies within conspiracies, more limited, as I have said, in their character, more temporary in their purposes, than the conspiracy that existed during the strike. When a strike takes place, it is said to be a conspiracy formed to intimidate the workmen. It is then said that another conspiracy was formed to intimidate workmen, and set fire to houses, which was more temporary in its purposes, and not so permanent as the strike itself, and being directed to other matters, namely, to intimidate and molest, to set fire to warehouses and dwelling-houses. The first conspiracy is referred to in page 3 of the indictment, where it is said, that "on these occasions, the members of the said Association illegally and feloniously conspired," &c. I do not know whether here it is meant the whole members; but it may mean the whole. But when the Prosecutor comes to the conspiracy, which has for its object to do violence to the masters, is it a conspiracy of members, or a conspiracy of a committee of directors? Certainly not of the members; and who or what is this committee of directors, he has not told us. We know not what it is; but he takes to himself the alternative of shewing that the conspiracy was one not of the Association generally, but composed and formed by the committee of directors, or by some other body, or governing body. I thought at first that it might be an alternative nomen for the same body; but it is not. Turn to page 10th of the indictment to illustrate this, and to shew that it may be a different set of people. About the middle of the 10th page your Lordships will see a semicolon after the word *aforesaid*; then the indictment proceeds, "such meeting having taken place, time and place last libelled, the said committee of directors, or one of the members thereof, or of other governing body, or some other members of the Association attending said meeting, did propose, and it was moved and

carried at the said meeting, that a secret committee, or a select committee, should be appointed by the members of the Association, who attended said meeting: and the intention and purpose of appointing the said secret, select, or secret committee, and its office and functions, were as well known to the members attending said meeting, and generally to the members of the said Association, to be illegally, violently, and feloniously to overcome the opposition to the said strike, and to raise and keep up wages," &c. What means the "other governing body" here? It clearly shews that this other body is a different body from the other. I refer to this as shewing that it is not an *alias* of the same body; but it is, or may be, a totally separate and distinct body. There may be, as the indictment shews, two bodies here; a committee of directors, and another body. Now, the conspiracy at page 4 is not co-existent along with the conspiracy at page 3. It is different from it in what had given rise to it; it is different from it in its duration, and in the periods of its existence; it is different in the means to be used, and in the people who composed it; different in regard to the accused who composed it, because this may be a conspiracy of a court of directions only, or a conspiracy of a governing body. But who are those persons, and what are their powers? Do their acts involve the powers of the Association? It does not appear that they necessarily do. The Public Prosecutor alleges separate conspiracies from time to time, and composed, it may be, of different persons. It is said that this last conspiracy resolved to write threatening letters, and resolve to set fire, or attempt to set fire to the mills, warehouses, and dwelling-houses of the masters; to invade the dwelling-houses of the workmen, and to assault and murder. The observation I make on this,—and to shew that if I am right in making it, look at the subsequent part of the indictment,—is that the Association itself is not distinctly charged as a constantly existing conspiracy, but a series of conspiracies, arising out of particular strikes,—a conspiracy which had its origin, perhaps its termination, before the other conspiracy,—a conspiracy beginning of the strike, and ending with its termination. This first conspiracy was composed only of the members of the Association, at the time of its existence; the second one was only composed of those who are members of this particular conspiracy. If I am right in understanding that this is the nature of it, and if we have no time or place mentioned, no occasion specified when this or these other conspiracies began, proceeded, and ended; if there are a series of successive conspiracies called into existence by particular events, and terminating with these events, what right, I ask, has the Public Prosecutor to go on to charge me with a conspiracy in 1837, to send to a Jury to prove that I was a member of a conspiracy which had commenced, followed out its purposes and ends, while he has not stated that the prisoners were members of that other, or these other conspiracies, or even that one or other existed when they were members of the Association? I perfectly understand if he had said that the Association itself was originally an illegal conspiracy, and if I had been a member, and if the Association had conspired to commit all those acts, he would be enabled to prove against me all these acts. He does not say that the Association was an illegal Association,—that it conspired illegally,—but says, that on particular occasions, members of that Association conspired to do certain things; and that a court of directors had conspired to do other things. He has no title to prove special conspiracies which had begun, proceeded, and ended, of which I am not charged as being a member; but charged as being a member of the Association, which is not illegal, in reference to me, any more than he has a right to prove against me acts of fire-raising or murder perpetrated by Cotton Spinners years ago, and with which acts I had no connection whatever. What I wish to impress on your Lordships, is the distinction between an illegal act and a conspiracy; between a conspiracy that existed years before, and a present conspiracy. A body may conspire—for instance, the writers to the signet might have conspired to make the lieges pay what they were not bound to pay; but this would not be an illegal conspiracy; and you would not charge, on that account, the present members of their learned body with having conspired to do that which their predecessors had done years before. The Public Prosecutor has not said, that the Association is a conspiracy: therefore I say, as the indictment is libelled, the whole of those occasional strikes must go out, because he is not entitled to prove any of them against the prisoners, or to proceed upon them in any way whatever. Let us now see what the Public Prosecutor more specially charges. At the bottom

of page 5, it is said, that the "Association having, by intimation, or order, made, or communicated by its Committee of Directors, or other governing body, some time previous to the 8th day of April last, resolved, and ordered that the members of the said Association then employed in, and working as operative Cotton Spinners in the various Cotton Mills in and about Glasgow, should, on the 8th day of April strike work in one body." I do not know that the Public Prosecutor means to say that the Cotton Spinners were not entitled to meet in a body, and come to an agreement among themselves to strike work, especially if the masters came to a resolution not to give them the rate of wages which the operatives considered they were entitled to, or had reduced the rate of wages which had previously been given them. The Cotton Spinners were entitled to come to a resolution not to work for the wages offered to them, if they were so disposed. The next question is, what acts are charged against this Association? It is said, that "the said Association, or at least the Committee of Directors thereof," (here comes in this indefinite body again,) "or other governing body thereof," (for it is not fixed which,) conspired together to appoint a Guard Committee for watching. Here is a farther proof that the Association was not the conspiracy. This governing body, this Court of Directors, are not necessarily fixed down in this Association. They conspire to appoint a Guard Committee for the purpose of watching—this is conspiracy No. 1, and it is a conspiracy of one or other of these 3 bodies, and for this purpose, to appoint a Guard Committee; and the Guard Committee is accordingly appointed—to do what? to watch by themselves, or by others, the various Cotton Mills, in order to discover the operatives that continued at their work. This conspiracy is appointed to do this, and it does it. They appoint guards, or a Guard Committee, to watch; and it is said that they used violence, intimidation, and threats, to deter the operatives from working; but the indictment does not say that this was devolved upon them, by this conspiracy; nor does it say when or where, or upon whom they committed this violence, or used these threats. Then the indictment goes on to say, that the accused were members of this Association for several years, at least since January 1837. If I am right in saying, that the Association itself was not a conspiracy, but that out of the members of that Association there were occasional conspiracies which began and ended, and it is only said I was a member from Jan. 1837, it is another reason why you will not allow the Prosecutor to go back to prove against me that there were associations in former years when I was not a member of them. Then the indictment says, that Robert Hunter was chosen to the office of chairman; that Peter Hackett was chosen to the office of treasurer of this Association, and so on. Then it goes on to say that the strike was unsuccessful in its object of compelling the masters to yield to the demands of the Association; and that their funds being exhausted, or nearly so, they resolved and determined to go a great deal farther—that is, they resolved and determined to accomplish the object of the strike by assaulting and murdering operatives, or others, working on the terms of the masters—they, the accused, "being members of the governing body of the said Association," "did, along with other members of the Association, to the Prosecutor unknown, on or about the 14th day of June, 1837," in a certain house in the Black Boy Close, did conspire—not that the Court of Directors did conspire—not that the governing body did do so; but that you, the accused, along with some of the members of the Association, one or two, it may be, from another conspiracy, not said to consist of the same members as before, which is an additional proof that the Association is not the conspiring body. This is a new conspiracy—this conspiracy in June, consisting of other people, and existing at another time, is a conspiracy which the others did not conspire to do. The others only conspired to appoint a Guard Committee; but this is a conspiracy to accomplish the object it had in view, by sending threatening letters, and using violence and the like; and all this was done by other persons.

The LORD JUSTICE CLERK.—I do not exactly follow your argument. At the bottom of page 9, the indictment says, that you, the accused, "being all and each, or one or more of you, members of committees of the said Association, as aforesaid, and all, and each, or one or more of you, being members of the governing body of the said Association, or otherwise taking an active and leading part in the business," &c. It will not do to say that they are taken there as five individuals. The members of the Committee of Directors are said to be the individuals,

along with other members connected with the Association, in the most direct words.

Mr. McNEILL.—Certainly, my Lord; but what I wish to impress on your Lordships, is that the indictment does not say that the Association conspired; it says, that certain persons, who held certain offices, did so and so. It does not state the powers devolved upon them by those offices; nor does it state that other members of the Association had any thing to do with the conspiracy in June. Does the saying that the presses or secretary conspired, does this say that the Association conspired? Certainly not. I do not see that this can be held a relevant charge of conspiracy against the prisoners. It shews that the Public Prosecutor has avoided charging the Association itself as the conspiring body; but he has stated that some people at some time conspired, that others at another time conspired for definite or particular purposes. I make the remark, that it does shew that the Prosecutor avoids charging the Association as being conspirators. The indictment then goes on to say, that the Committee of "Directors, or other governing body," called a meeting of delegates of the operatives of each Cotton Mill, which had struck work—that this meeting took place—that the Committee of Directors, or one or other of their number, moved that a Secret Committee be appointed, and it was appointed, and the prisoners were present at the appointment and concurred in it; and this Secret Committee, the names of the members of which were kept secret, and the said "illegal association" did conspire. This is the first time I find illegal attached to the Association itself. "The said illegal Association and conspiracy." What is that? Turn back to pages 9 and 10, and see the conspiracy last formed. It is a conspiracy of these office-bearers of the governing body of the said association and other members. Then it says, that in furtherance of this illegal conspiracy, that is, the conspiracy of 14th June, a secret committee was appointed,—that the said illegal association hired or engaged persons to send threatening letters to managers, and to set fire to a dwelling-house, and to do other unlawful acts.

Lord MONCRIEFF said, that it was the Association itself that appointed the Committee, and that for the purpose of doing the things set forth in the indictment.

Mr. McNEILL.—Certainly the Association did appoint the Committee; but what I say is, that the Association was not till now called a conspiracy, and that the conspiracy was charged upon three different classes of persons. It is not said that the Association did conspire in June,—I do not see any such statement, or even now that the Association is in itself a conspiracy. It will not do to say that the Association and the conspiracy are one and the same thing. I do not exactly see what is meant by saying "conspiracy." I suppose it means the conspirators; but does it mean that associators and conspirators are the same thing? A conspiracy is a crime, not a person. The "association and conspiracy."—Why "and?" It means, I suppose, the conspiracy in June. It does not mean that "the association and conspiracy" are the same thing, or that the associators and conspirators are the same thing. The charge then goes on to say, that they appointed secret committees, and so forth; and then it specifies what particular acts they did. I remark generally on these acts, that they are not labelled as necessarily through the intervention of the Association. The phraseology in regard to all of them is the same. The Prosecutor describes the following acts done in the following way, and through the intervention of the Association, and I deduce from this further evidence that the Association was not the conspiracy body, but that there were particular conspiracies; and the Prosecutor is not entitled to go into other conspiracies that existed at other times, when it is not said that the prisoners were members of the Association.

I remark now on the statement made in page 13 of the indictment, that one of the means which had been used to bring about the object which the conspiracy had in view, was the sending of threatening letters, and here there is a charge of having engaged a person to write a threatening letter. It says that the said illegal Association did write, "or cause and procure to be written by you, the said Richard McNeil, or by some other person, to the Prosecutor unknown," "a threatening letter, bearing to be dated Glasgow, June 20th, 1837, and to be subscribed with the letters C. T., and addressed on the back, Mr. Alexander Arthur, manager, Old Adelphi, Huthesontown, and which letter contains threats of assassinating



the said Alexander Arthur, and other managers or masters of mills in or near Glasgow, and particularly a passage of the following tenor or import." (Here follows the passage of the letter.) Now, your Lordships will observe that the charge here is the writing of a threatening letter said to be sent to Mr. Alexander Arthur. It is not merely said that they used threats, but the charge is, I sent a threatening letter. I submit to your Lordships that when the Prosecutor charges the sending of a threatening letter, he is bound to set forth that letter fully and fairly before you, that you may be enabled to judge whether, on the whole aspect of it, it is or is not a threatening letter. He is not entitled to say I sent a letter containing threats of violence or murder, and to select words or passages from that letter to be set forth as a charge against me. He is bound to give the whole or it on the face of the indictment, for the question is for the judgment of your Lordships, whether, on the whole aspect of it, it is a threatening letter; and your Lordships cannot know from selecting particular words or passages whether it is on the whole aspect a threatening letter; for although there may be passages apparently containing a threat, it does not follow that the letter, taken as a whole, is a threat. This is an observation for the consideration of your Lordships in judging of the relevancy of this indictment. You are not to send the case to a Jury on a partial quotation of a passage from the letters. You are entitled to judge on the whole aspect of the letter, set forth in the indictment, whether it is a threatening letter or not. Now, I believe that accusation of sending threatening letters is not uncommon; and I do not know if it is more common of late years. I recollect that in the case of sending threatening letters to the late Duke of Athol in 1821,—I do not know whether any of your Lordships tried it,—the indictment was drawn by the Dean of Faculty, in which the whole letters were set forth. I have looked into various English cases, and I do not find one in which the threatening letters are not given in full. I have found it laid down by Russel, in his Treatise on Criminal Law, 2d edition, that it was decided that it was necessary to set forth the threatening letters in the indictment. Would the indictment be relevant if the Prosecutor had stopped short without saying anything about burning houses, without setting forth the acts done, the doing of which is essential to the crime of conspiracy, as here charged in the major proposition, without saying anything about the murder of Smith? If he must set forth that a threatening letter was sent, he must shew whether it was a threatening letter or not. It is necessary that it should be stated in such a way that the Judges can be able to judge whether it was a threatening letter or not. How are your Lordships to see in the face of this indictment that the letter charged is a threatening letter. Is it not necessary, when a cotton spinner is said to be shot, that he should mention the time and place where he was shot? It is the same with regard to threatening letters. The Prosecutor must frame his libel in such a way as to shew to your Lordships whether the letter alleged to be sent is a threatening letter or not. Accordingly the Prosecutor considers it necessary to set forth the time and place of all these acts, as bringing them up to his major proposition. I submit, therefore, to your Lordships, that in regard to the charge of threatening letters, the Prosecutor has not drawn his libel in such a way as can make it clear to your Lordships that the letters are threatening letters, and therefore it is not relevant. These are all the observations I have to make on this charge; I have some to make on the other charge of murder. This charge of murder is an alternative charge;—it is that I conspired, "or otherwise." This charge seems to me to be a summary of the charge of conspiracy (page 22), in which the Prosecutor takes to him the power of proving every thing under the charge of conspiracy, and every thing which he does not allege as conspiracy. Under this charge, he sets forth the existence of an Association, a strike, the appointment of a Guard Committee—the invasion of dwelling-houses—the intimidation of owners and managers of Cotton Mills, by sending letters containing threats of personal violence,—the illfully setting fire to, or attempting to set fire to dwelling-houses of masters and Cotton Mills, and so forth. It sets forth that all these things were done—that assaults were committed—that dwelling-houses were invaded—that threatening letters were written—houses and mills attempted to be set fire to,—all these things he avers in the course of this charge of murder; and then he avers that the accused were members of an illegal Committee, and "having conceived deadly malice and ill-will" against masters, managers, and operatives; and having

conspired and confederated together, they did the things charged against them. All these things he sets forth as what he is going to prove against me in reference to what is a charge of murder, and not a charge of conspiracy. Is the Prosecutor entitled to do so? Is he entitled to prove that I entered into a conspiracy to do these things, without his telling what masters were threatened—what houses were invaded, and what mills were set fire to?—Is he, I say, entitled to prove all these things against the prisoners with the intent to prove against them a charge of murder? How are all these charges to be met, and how are the prisoners to be prepared to defend themselves? He does not limit himself to time specified—he does not limit himself to a charge of murder. He takes every latitude from the commencement of the Association down to this day, and that commencement he does not say when,—perhaps it was before I was born. He undertakes to prove every act of violence that was done at other times—perhaps half a century ago—in order to bring home against me a charge of murder. It has been a question whether, when special malice was set forth in an indictment, it could be proved by previous acts of malice. It was made a matter of argument in the case of *Rae*, the chimney-sweep, whether this could be gone into; but here it is said that the prisoners had malice and ill-will against other people—against all the masters, and all and sundry who had connection with the masters—that they conspired against them all. It is not said how, or when, or where; but it says, that all these things were done, and that the Public Prosecutor is going to prove all these things in support of his charge against me of murder. Is the Prosecutor entitled to prove these matters without specifying the time, place, and circumstance?

LORD MONCRIEFF.—Do you dispute the relevancy of the major propositions?

MR. McNEILL.—No, my Lord. I beg to submit to your Lordships that this charge, as stated in the indictment, is not relevant.

LORD MONCRIEFF.—All these things are done with the intent to commit murder. That is an aggravation in the major proposition.

MR. McNEILL.—I do not think that the *intent* is any part of the crime. The crime is that of *murder*, and they are not libelled as an aggravation of the crime of murder. I submit, that the Prosecutor by making an intent is not entitled to get into other matters to prove murder, which, under a charge of murder, the law does not receive as evidence of the murder itself.

MR. HANDYSIDE, Depute-Advocate.—My Lords, It is my duty to submit to your Lordships a few observations in reply to the elaborate address of my learned friend, Mr. McNeill. As he has entered with great fulness into this indictment, your Lordships must be familiar with the structure of it; and it will not therefore be necessary for me to occupy so much of your time as has been done by my learned friend. He set out with stating that there were two points to which he wished to call your Lordships' attention,—the first was, that it must be known to the Counsel for the prisoners what was the precise meaning attached to the indictment; and the next, that he had to submit to you certain positive objections to the structure of the libel. As the shortest mode of meeting his arguments, I shall endeavour to follow, in my answer, the precise order taken by my learned friend. In regard to the first objection, or rather the explanation demanded of the meaning which the Prosecutor attaches to the two charges, my answer shall be short, and, I hope, satisfactory. Your Lordships will observe that no objection was taken by him to the sufficiency of either of the major propositions, whether the charge of conspiracy, with the long detail that was given descriptive of that conspiracy, or as it regarded the charge of murder. If it be the case that my learned friend has no objection to the major propositions as they stand, and if the Public Prosecutor admits, as he does admit, that these are alternative charges, and if in asking a verdict he does not require that both charges shall be found proved against either of the prisoners, then I think his observations at once answered. We do not ask both for a conviction of conspiracy as laid here, and a conviction of murder,—we shall be satisfied with one or other of the majors being found proved. I have now to bring before your Lordships the other observations of my learned friend. He sets out with certain positive objections to the libel; and after having read and commented on the major propositions, he called the attention of your Lordships to the lengthened detail in the minor. The minor proposition consists of two parts: the first part, consisting of 7 or 8 pages, is a narrative of

convenience in the charge against the pannels. It contains no charge against the pannels. They are not accused of what is stated in that narrative as substantive crimes. That narrative, as put in, is, as is not unusual in such cases, explanatory of the nature of the charges made against the pannels in the subsequent part of the libel, as circumstances of evidence which the Prosecutor intends to bring forward to prove the character of the subsequent charges libelled, not as circumstances themselves on which he sought conviction. If that be the nature of it,—if a narrative of this kind preceding the charge of the conspiracy of the 14th of June, the first charge against the pannels, and the subsequent acts carried into execution by them in accordance with the nature of that conspiracy, then I apprehend that this case just falls under those instances where a libel is introduced with a narrative to explain the nature of the pannel's connection with the guilt with which he is charged; but not as containing the crime with which he is charged. My learned friend has thrown out the objection that the Public Prosecutor is not entitled to prove one crime by alleging another,—that you are not entitled to insist on this, because they must be charged as separate crimes, and it would be alleging one crime to prove another. I humbly submit that my learned friend is not quite correct in this; and that acts of a different kind may be competently charged as introductory to, and explanatory of the intent with which other crimes are committed by the pannel who is charged. I believe it will be found in regard to a case of forgery, that any acts which a pannel may have committed before the forgery, may be stated with a view of explaining and setting forth the nature of the charge against him in the after part of the libel, though not as charges in themselves. So it is in regard to a case of murder,—where the charge is murder itself, the Prosecutor is entitled to set forth allegations of previous malice; or of other injuries; if, for instance, it was poisoning, to prove poisoning in other cases; for although these would be charges for a libel in themselves, still they are the competent mode of proving the intent with which the subsequent acts for which the person tried is committed. I believe this is quite settled in the law of England, to which my learned friend referred, and there are certain instances in the law of Scotland where the crimes are not insisted on against pannels, but are regarded as explanatory acts. But, says my learned friend, there is in this indictment no specific charge of time, place, or circumstance. The charge, he says, is general, running through a series of years,—that it is an indefinite and occasional charge, sometimes against the Association, sometimes against the Committee of Directors, or governing body. Unquestionably, wherever the charge is made, my learned friend is entitled to have time, place, and circumstance exactly defined; but where it goes merely to prove conduct or guilty knowledge of acts done, which merely go to shew the intent, the Prosecutor is not called upon to be more specific than he has been. My learned friend says that there is a change in the parties who are said to be guilty of these various acts; and, in particular, in setting forth his argument it is not said that the association is illegal. I pray your Lordships' attention the narrative of the indictment. Unquestionably, by the act passed in 1826, the apparent objects of these Associations are of a perfectly legal description, and my learned friend was right in saying, that if, as is stated in this indictment, the masters resolved to reduce the wages, the workmen were entitled to combine for the purpose of keeping them up: and, accordingly, for that reason, in the outset of this libel is it that this Association has no epithet bestowed upon it as charging it with illegality in its apparent object; and, accordingly, it says, "an Association being formed, consisting of a great number of the operative Cotton Spinners employed in the various Cotton Mills in the city of Glasgow and its adjoining districts, with the object, and for the purpose of keeping up the wages of the said operative Cotton Spinners, in order and with the intent more effectually to enforce and attain the said object and purpose, the members of the said Association unlawfully administered to each other, or took a secret oath," &c. So far there can be no doubt; but then the libel goes on to state how they conducted themselves on different occasions. There is here the charge, first that they took an illegal oath, that they unlawfully took or administered to each other an oath. Now, unquestionably my learned friend must have perceived clearly enough that the person who drew this libel was aware of the different acts of parliament respecting taking illegal oaths; but it was not incumbent on him to charge that unless he chose; but the circumstance of taking an oath of that kind, which goes, as is narrated, to

oblige parties to acquiesce to support the resolutions, orders, and directions of the majority of the Association, and in particular to execute any task and obey any injunction which the majority may impose, and to keep it secret and undivulged— unquestionably, if that should be proved, it will be considered a material circumstance indeed, and is explanatory to the different charges which are afterwards made in the libel. But the subsequent part of the narrative goes on to state that the Association, on several occasions, when a strike was ordered, appointed a Guard Committee,—that on other occasions a select Guard Committee was appointed, and there is an assertion that they executed the duties and injunctions imposed upon them. In one part of the indictment my learned friend made a slight criticism on the terms of the indictment, where the members of the Association, or the Court of Directors, or the governing body, were named, and said to have done so and so. - Now, I am not aware that after having charged an association of this kind, that there was any necessity for more particularly specifying its constitution. Its acts we have more particularly to do with, and these are charged in the body of the indictment. The charge is put alternately,—that the Association did so and so, and that the Court of Directors did so and so. I apprehend it is not such a charge in the terms of this narrative as can be considered as an objection to the relevancy; and at the bottom of page 2, it is said that in order to carry into effect the object in view, the said Association did certain things. It is quite obvious that there is a different way given of the appointment of the Secret or Select Committee; but the allegation is made distinctly enough, and therefore the objection was a mere criticism on the words. My learned friend stated that it was not alleged that this was an illegal Association at the beginning; but it would be seen according to the allegation in the narrative, that it was on various occasions, and from time to time, as circumstances arose, that this special conspiracy, and this appointment of a Guard Committee, took place. This, he says, is not a sufficient charge against the Association generally; but I apprehend that if the members of an Association either generally or through their governing body, can be shewn to have acted on such occasions during a series of years in a particular manner, by the perpetration of illegal acts, these are circumstances against a person joining that Association, aware of its objects, and of the means to be employed in carrying them into effect; and this will be still more strongly the case against them, if it be proved against them that the time these Committees were appointed and these acts took place, that they were members of the Association at the time, whether they were in office or not. Thus, having gone through the narrative, my learned friend proceeded to the special charges in the indictment; and first, at the bottom of page 9, he directed your Lordships' attention to the statement, that the prisoners, along with others, conspired for a specific purpose. The first objection was that here the charge was not against the Association; he admitted a good charge against the prisoners, but not against the Association. Now, an observation fell from the Bench, which met this statement, and in regard to it, I have only to call your Lordships' attention to the way in which the clause is expressed: it says, that "you being all members of the Committee of the Association, did, along with other members of the Association," conspire for a particular purpose. But this charge is a charge of conspiracy, to take the first step for the appointment of a Select Committee, or for entering into that resolution come to by the whole body of the Society, which is charged the first step towards the perpetration of all the different subsequent acts libelled. And your Lordships will find that after this it is stated, that in furtherance of, and to carry into effect this conspiracy, the said directors, or governing body—time and place last libelled—did order and call a meeting of delegates. Their meeting was held, and it was proposed that a Select Committee should be appointed to commit such and such acts. The libel farther states, that that Committee was appointed by ballot or otherwise, and that the names of the members were concealed, and that the pannels, one or more, were present at the meeting, which I apprehend is first a meeting of the Association itself, and that they concurred in its purposes.

**LORD JUSTICE CLERK.**—In page 10 it says, "and especially the owners, masters, or managers of said mills, and operative spinners who had continued to work, or had taken work, and were working in said mills in opposition to, and against the will of the said Association," &c.

Mr. HANDYSIDE.—Yes, my Lord, the term “said association” runs through the whole. Then it is said that the object of the Association is concurred in, and that a Secret Committee was appointed, which fulfilled the duties imposed upon it. My learned friend remarked, that it was not till now that he found the term “illegal” attached to the Association, and unquestionably it is not applied till then. All the previous part is considered narrative—the language used makes it narrative, and not a charge. But after the pannels themselves are stated to have attended a meeting, and to have conspired together with others to do certain objects, a meeting of delegates of the whole Association took place, and they agree to appoint a Secret Committee to carry the object proposed. That Committee was appointed by the whole of the Association, and I apprehend that from that instant it became an illegal body, and the Prosecutor was entitled so to set it forth in the indictment. I think these were the general observations on the narrative of the indictment, and I apprehend that they do not go to shew that the narrative is irrelevant. I apprehend that this is very much a question of evidence. The question comes to be,—what is the Public Prosecutor entitled to prove when he charges conspiracy that has gone before, in evidence of this conspiracy. Is he entitled to go back into the conduct of an Association to explain the character of it, to shew its previous acts on previous occasions, so as to explain its subsequent acts, which he charges as crimes? In short, where an Association or conspiracy is alleged to exist, is he entitled to go into evidence to shew its character, both by its past history, and its conduct from its commencement? This is a settled point. Facts shewing a conspiracy can be brought to proof, before you go to subsequent acts. If this be true, the plan followed by the Prosecutor is the plan that was necessary to be followed by him in order to shew the intent with which the conspiracy is entered into,—if this be the case, I apprehend that the objection to this narrative is entirely removed. I expected that my learned friend would have addressed some observations to your Lordships, shewing that the Public Prosecutor was not entitled to go into this. It is unnecessary, I presume, to go into authorities as to this; but if it were necessary, I could refer to the highest authorities to shew the existence of conspiracies in an association before individuals may have joined it, and I apprehended that the narrative as drawn was necessary to lay a foundation for the evidence of its existence. After going over the various specific acts, my learned friend confined himself to the third one, namely, to the charge of sending a threatening letter. It certainly surprises me that the learned gentleman avers that it is necessary to set forth the whole of the threatening letter. Perhaps he may be in the right; but I have seen indictments, and indictments proceeding from eminent criminal lawyers, where such has not been the case, and I am not aware that objections have been taken to these indictments. At this moment, I am not able to fix upon precise authorities on the subject; but the last indictment taken of this kind, that I am aware of, was in a case tried in Glasgow, 1834 or 1835, Robert Gellatlie and others, where the Mill-masters charged the Cotton Spinners with combination. Sure I am that in that case the letters were not given at full length, but extracts were only given from them. I understand that no objection was taken to the relevancy of the indictment: It was a charge of combination by various acts of violence, and among others, by writing threatening letters, and transmitting them. But if I must meet my learned friend on the principle of the thing, I must say that I am not aware on what principle it is that he contends that the Prosecutor is bound to give the letters at large in the indictment. I am not aware on what principle it may be in the law of England. The present charge is sending a letter containing threats, and the Prosecutor quotes in support of it those threats which are to be found in the letter. It may be true that these passages do not give a fair representation of the letter; but I apprehend that this is a matter of evidence, and that the pannel may appeal to the other passages of the letter to explain those which are set forth as containing threats. But unless there is an allegation that the passages in the libel condemned upon are not truly in the letters, I apprehend that your Lordships will only look at these passages to see if they were threatening. Suppose the case of a libel,—a seditious libel, or the case of a libel on character. Who ever heard of the whole of the libel being burdened with the whole of the document? In all cases which have occurred in the courts of England, was it ever known that whole speeches which might contain a libel were set forth on the face of the indictment?

Never. It rests with the defender to prove that his meaning is different from what it appears to be by bringing before the Court the whole of the letter. I am not acquainted with the case of the Duke of Athol, and I cannot speak as to it.

LORD MEDWYN.—It was a case in which the whole of the letters were threatening, and the whole, of course, were given.

MR. HANDYSIDE.—I will now, my Lords, offer a few words on the charge of murder, in answer to the remarks on the other side. Your Lordships will perceive, that the Public Prosecutor has adopted a plan which is not easily followed, as a case of this kind does not often occur. Besides stating the murder, he particularises the nature of the murder, and the intent with which it is committed. It is the assassinating of a workman with the intention of intimidating and deterring others from working at such rate of wages as they chose; and I submit that the Prosecutor has laid a foundation for a relevant charge against the prisoners. How far your Lordships may consider that as sufficient and specific, I do not know; but by charging the men at the bar with having maliciously assassinated with a particular intent, I am allowed to get in to evidence to shew that intent, and to shew the previous conduct of these prisoners, and of the Association. My learned friend referred to the case of *Rae the chimney-sweep*, a case of great interest. An attempt was made to prevent evidence being led of previous mal-treatment towards the unfortunate apprentice whom he killed; but the Court did allow evidence of that mal-treatment, and on the same principle as is contended for here, in order to explain the motive which led to the perpetration of the deed. I submit, my Lords, that the Public Prosecutor here is entitled to give evidence of the conduct of these persons, and those with whom they were connected, in order to explain their motives; and in so doing, I beg to say that it humbly appears to me that great part of my learned friend's remarks were confined to verbal criticisms. The indictment, I may remark, is a new one, and the case one of a very—one of an unusual kind, and of a complicated description. There may be some parts of it rather indefinite; but under the circumstances, I apprehend it was not possible for the Public Prosecutor to make it otherwise.

THE LORD ADVOCATE followed on the same side.—My Lords. After the argument, I do not think it is necessary for me to enter into detail on any of the objections or criticisms which have been made on this indictment by my learned friend opposite; but on a question of such great importance as the present, on an indictment of great difficulty, and which is gone into with great minuteness in detail, I feel it due from respect to the Court, and from the importance of the case, to make a few observations. I should be sorry that any proceedings were now adopted in regard to the indictment which would not at all times be a useful and good one for the country; while I trust at the same time it gives to the persons accused the fullest advantage for conducting their defence, and allows your Lordships and the Jury to judge fully and clearly whether these charges made against them are such as to infer an illegal conspiracy; and whether they are stated in that manner in which punishment may follow on them if they be duly convicted. The indictment is, in the first place, intended to give the prisoners an opportunity of knowing what they are charged with. In the major part of the propositions the crime ought to be stated fully, clearly, and particularly; and in the minor part they ought also to be made fully aware of the facts to be brought against them, that they may be able to meet every charge which the Public Prosecutor sets forth or intends to prove. In this respect the prisoners enjoy a great advantage in this country, because in cases of treason, where the greatest advantages are given to the prisoner, the indictment may be drawn up very fully, setting forth every species of treason that could be conceived against him, without his being able to judge almost as to the particular facts to be brought forward against him on the trial. In this indictment there was nothing unclear or ambiguous in that respect. My learned friend, Mr. Handyside, said that certain words ought to be less indefinite. This is no more than must be allowed to the Prosecutor in cases of this sort, where he cannot state circumstances or facts more definitely than his means allow him to do. First, I have stated that there was not merely a conspiracy, but that that conspiracy was carried into effect specified, or by one or other of them, and attended with certain results and effects. All this, your Lordships see, is giving a great advantage to persons accused, inasmuch as it makes the charges against them very specific indeed. There is

first the charge of the design of the conspiracy, of the illegal purpose and intent, then of the means by which it was carried into effect, and, lastly, the results arising from it, and which results took place. In the major proposition of the indictment, every possible advantage is given to the prisoners. The charge is exhibited in its full form. It contains facts which must leave the prisoners without a doubt as to the meaning of the offences of which they were accused. The Prosecutor undertakes to establish that charge, and a conviction can only take place on his establishing the charge brought forward. The prisoners were, of course, presumed to be innocent, but your Lordships must see that it is one of the most serious charges ever brought forward against any individual, and the crime is of the most serious description. I need say no more in regard to the major proposition. The question then comes to be in regard to the minor proposition, particularly the first part, which does not charge acts against the individuals at the bar; but charges conspiracy that has gone before. It gives a narrative of the conduct of this Association, with the view of giving this conduct in evidence of the charge of subsequent conspiracies. The objection of my learned friend opposite is, that there are certain different conspiracies; but your Lordships will see, that throughout, the whole charges are against one Association, operating in a certain manner, and on certain occasions. They did so, not formerly, but on certain occasions; and here is one of those Associations acting in this manner, which we undertake to prove for this purpose, and this purpose alone. It is entirely introductory to these specific charges. If we do not establish them as stated in the libel, the prisoners are entitled to an acquittal. In proving the conduct of the Association, which is one Association from beginning to end, in the indictment, we explain in that indictment what are the acts previously committed, and what are the acts we more particularly charge against those individuals. Are we going too far in entering into this proof? Are we doing any injustice to the prisoners in doing so? Certainly not. Unless the proof is clear against them, they are entitled to an acquittal; but unless the conduct of this Association throughout is proved and established, your Lordships and the Jury would not have the means of knowing the character of the Association and the proceedings which took place. The nature of what was done, and the means by which it was done in the other case, can only be clearly understood by having the history of the Association before the Court, and by proving how the individuals at the bar did act. Will this prejudice the pannels? Certainly not. Unless the Association retain the same character which is given of it, unless the same things are proved against the prisoners with which they are charged, unless their connection with the Association is proved to be the same as is set forward, unless we fail in bringing forward evidence of the acts charged, evidence of the same atrocities which were carried on, evidence of the conspiracy which existed in 1837, their defence is full and complete. The great advantage is here to the prisoners. It is the great object of the Court and of the Public Prosecutor to give every advantage to innocent men, that they may obtain an acquittal; and, on the other hand, to give the Jury the means of knowing the complexion of the crime with which they are charged. From a remark that was made by one of your Lordships, it strikes me that it would be needlessly wasting your Lordships' time in following out the argument of my learned friend, Mr. Handyside. I shall merely remark, that there are not two Associations or three Associations in view in this indictment; there is only one Association in view throughout, from the beginning to the end of the indictment, an Association which subsisted at Glasgow during the period referred to in the indictment. The acts of this one Association are to be proved to make its operations known to the Court and to the Jury; and they are set forth in the libel as fully as could be expected. The length of it may be complained of perhaps; but it could not, I apprehend, have been brought into shorter limits; and had it been greater it would have been burdensome to the Court and to the Jury. In regard to the statement as to the threatening letters, I mean not to detain the Court, as your Lordships will at once determine that point. There are cases referred to in the law of England, where, from the nature of the statutes, the Court held that the whole threatening letters should be brought before the Court that they might judge whether they were or were not threatening letters. There is no such technicality known in our law. But I deny that there is any one case in which it is necessary to set forth the whole

of one document. There may be facts in a document which may destroy the meaning of the passages as set forth; but the prisoner is entitled to prove, by the production of the letter or pamphlet, that other passages altered the meaning of the passages quoted. We produce the actual letter, the Jury will read the whole document, and if there be any one expression in that document that tends to do away with the passage, the Jury will give it its full weight. But it is a technical objection that we are obliged to set forth the whole document. This is a most dangerous precedent. There may be a letter of twenty pages, with a threat contained in it of two or three words. I would take the case of a threatening letter sent to a Judge to deter him from deciding a case. In this there are a few words of threats, together with twenty or thirty pages of views of the writer's own. Would it be proper or necessary in such a case that the Prosecutor should set forth the whole of that letter? He must, upon the trial, no doubt, produce the whole document, that the prisoner might have the full benefit of it, which it is the sacred duty of the Prosecutor to secure to the prisoners. But it would be a dangerous thing to lay down a technical rule of this sort, which would extend an indictment to an immoderate length, without thereby appending any advantage to the material justice of the case. If this point is once considered settled in a satisfactory way, I do not see that there is any other difficulty in regard to the concluding part. The other party say, and with very great clearness and ability, that it must be charged that they have been guilty of murder or of conspiracy; but that the prisoners can only be convicted of one of the crimes of the conspiracy or of the murder. But if these are set forth fully to the greatest advantage to the prisoners, if the charges are so laid down that any one individual can only be convicted of these charges, the Prosecutor has done his duty to the prisoners and to the country; and it is not for him to enter into any consideration of any punishment to be pronounced. There is here a crime stated. Any one of the prisoners may be found guilty of the conspiracy or of the murder,—a certain number of the one, or a certain number of the other, according to the effect of the evidence to be adduced on the minds of the Jury. In what respect, then, can this libel be considered as irregular? The case is brought before the Jury in the clearest way, and they may convict either of the conspiracy or of the murder; but the Prosecutor has not called on them to convict them of both. The question on the part of the prisoners is, are they subjected to any hardship? Certainly not; and the question for your Lordships to determine is, are these crimes charged against them regularly, and advantageously to the prisoners, to enable them to meet the charges in their defence. The crimes charged are of a very serious nature; but I consider that I would be taking up the time of the Court in making any observations on them.

Mr. PATRICK ROBERTSON, Counsel for the prisoners, said—My Lords, I feel, in common with the learned Lord, the great difficulty and the vast importance of the present discussion; and I am sure that your Lordships will do me the justice to believe, that in an investigation of this description, and involving matters, as charged in this indictment, to an extent almost unparalleled, I, and my learned brethren acting for the prisoners, should not wish to detain the Court with any objections to the relevancy, or with any observations on the structure of the indictment, that did not appear to us to be well worthy of the consideration of the Court. I feel confident that the determination to which your Lordships will come, will be satisfactory to the country, and settle the law on the question; and with this view, therefore, I must endeavour to impress upon your Lordships' minds, as strongly as I can, the objections and the nature of the objections which we set forth, and which have already been brought before your Lordships by my learned friend Mr. McNeill. We do not mean to maintain that, under that charge, as applicable to the 14th June, provided it be stated with sufficient specification as to the nature of the conspiracy, there is not matter of a most serious kind libelled in the indictment, and in the description of the major proposition. I shall explain, a little more particularly, what my meaning is; but we are not stating here, that matter of a most serious kind is not embodied within this libel. Let us see in what we are agreed with my learned friends opposite, and wherein we differ. We are agreed that the major propositions in the indictment are correct. We are agreed in our construction as to the first proposition. We are



agreed that the charges are alternative, and that the prisoners cannot be found guilty of both charges. I admit, in point of law, that every act done by an existing conspiracy, may be proved against the members; but I deny that anything done by one conspiracy, can be charged as an act of proof against another conspiracy. I deny that the conspiracy of June, if a different one from that of April, can be charged as an act of proof against the conspiracy in April. I deny that the acts of the Association generally, if not the conspiracy, can be proved against the conspiracy; and I again ask the question, which my learned brother asked at the outset,—Is the Association a conspiracy or not? I have not heard this question answered. Mr. Handyside said expressly that this Association became an illegal Association on the 14th of June. Then it was legal before this period, or at least it was not said to be illegal. It became a conspiracy on the 14th of June. Well, then, what have we to do with the acts done before the 14th of June. My learned friend, with a candour worthy of him, admits that he intends to prove all the acts previous to the 14th of June, and the learned Lord says this is to be of much importance and advantage to the prisoners. Every thing done since the beginning of the Association! We do not thank the learned Lord for such an advantage, and I protest against such an inquiry as being evidence in the trial. Every thing done by the Association after it became illegal—after it became a conspiracy, I fully admit; but I protest against any previous inquiry as being brought before you as evidence against the prisoners. But, my Lords, if within the Association we have other conspiracies, if we have wheels within wheels, some of them occasionally set in motion, and stopping when they had attained the end of their journey, are you to prove the last conspiracy by another which is concluded? This is utterly out of the question; you are not to prove against the prisoners the acts of one conspiracy by another, of which they were not members. Although I am agreed with my learned friends, that in point of law, the acts of a conspiracy may be proved against the members of that conspiracy, it must be the acts of that conspiracy and no other. Let us look to the nature of the charge here. Here is an Association—but is this Association charged to be illegal or not, first of all? Why, my Lords, I cannot tell. It was said that it was an Association several years ago, bound by a secret oath; but it does not say that it was an Association to commit fire-raising—to commit murder from time to time—to commit assault from time to time. No, it was no such thing—it was an Association to take a secret oath. There is no charge in the statutes here as to taking an illegal oath, or an obligation binding what? binding the taker of it to acquiesce in, and support the resolutions and directions of the majority,—is there anything illegal in this? anything illegal in supporting the resolutions of the majority? If the Association be illegal in this respect, the House of Commons must be illegal, for it generally follows the resolutions of the majority. Then, it is said farther, that the members were bound to execute every injunction which the Association might impose—and why not? unless the objects which the Association had in view in imposing such injunctions were illegal, and the acts to be committed were illegal. They “took a secret oath, or engagement, or obligation, binding, or purporting to bind the taker of it to acquiesce in, and support the resolutions, orders, or directions of the majority of the members of the said Association, and, in particular”—to do what? “To execute every task, or injunction, which the majority might impose, in furtherance of the object of the said Association.” It does not say illegal tasks, or illegal injunctions, but to do what the majority might impose; and this is the nature of the Association, as it stands on the indictment. It is not yet an illegal Association; it was not illegal in the first place. The Cotton Spinners, in the first place, were entitled to strike; and, in the second place, it was no conspiracy. Look into the legality or illegality of this Association. Was it a conspiracy? was it an illegal Association, so far as we have seen it? Then it was said that this Association, at various times, resolved to do so and so—and that it did afterwards become a conspiracy. It was, therefore, a body, not of the nature of a permanent conspiracy, but that it had formed occasional resolutions to conspire, at particular times. Be the Association legal or illegal, there is no charge of its being an illegal Association—it is conspiracy in the major. Well, then, they did conspire, and they appointed a Guard Committee—they conspired to do this and a Guard Committee was ap-

pointed. Then they commit assaults, and they vote away money, and do other things, as alleged. Then at page 4 of the indictment it is said, that "the members of the said Association, or committee of directors, or others governing for the time, on special occasions, during the continuance of the strike ordered by them, conspired and confederated together," &c. There is something else, surely. We are told, at the top of page 3, that they illegally conspired together, i. e. the Association. Then we are told, at page 4, that the members of it, or directors, or governing body, conspired together: then they appointed a secret committee; and then we are told that various unlawful acts were committed. Well, then, what have we got now? First, there is an Association which is not a conspiracy; then we have a conspiracy of the whole members, and then a conspiracy of the directors, or governing body. They conspire to write threatening letters, wilfully to set fire to dwelling-houses, to assault workmen, and so forth. Then they appoint a secret committee in 1836 and in 1837; and then, in April 1837, a strike takes place. What takes place then? Then the said Association, or at least the committee of directors, in the month of April, in an apartment situated in the Black Boy Close, conspired together "to appoint, and appointed a certain number of their members, to be a Guard Committee." This is something else; this is not Association No. 1. No, for it was not an illegal Association. It was not the Association that conspired from time to time. No, but another conspiracy to appoint a Guard Committee. Then, the prisoners are charged with being members of the Association—that the funds became exhausted; and then, at page 9, that they, being resolved and determined to carry into execution the object of the said strike, did so and so. Then here is the beginning of the first minor—"you, the said Thomas Hunter," naming all the prisoners, "being all and each of you, or one or more of you, members of Committee of the said Association, as aforesaid, and all and each of you, or one or more of you, being members of the governing body of the said Association; or otherwise taking an active and leading part in the business," did so and so. Taking an active part in the business of the Association, can be of no earthly importance, unless the whole Association be a conspiracy. What did they do? "They, along with other members of the said Association," not with the general Association,—it is exclusive of the idea of its being a conspiracy, and conspiracy is the only crime to which I am now speaking under the indictment. On the 14th June they conspired, not in furtherance of an illegal Association, to keep up the rate of wages, but they conspired on this day to carry the strike. And how did they do it? They call a meeting of delegates. Are the delegates members, or are they not? That meeting, I pray your Lordships to observe, appoint a secretary and appoint a select Committee. It is this new conspiracy that appoint a select Committee; and it goes on to say that this select or secret Committee—the said illegal Association and conspiracy, did so and so. What Association and conspiracy? that is the plain question, plainly put by my learned brother, and not answered by the learned Lord. If it was the conspiracy of the 14th June, all the acts done under the conspiracy from this date downwards, must be admitted as proof against the prisoners; but what was the use of going to the law of England—the law of reason, of common sense, tells this, that the acts which were committed before the conspiracy of other conspiracies, and other conspirators, are not to be admitted as capital proof against the prisoners. But we are told that, out of regard to the safety of these prisoners, that they may have the fair means of defence—that all the acts that had ever been previously committed—all the assaults which had ever been committed by Cotton Spinners—all the mills, or dwelling-houses burned—all the murders which had taken place, were to be brought in evidence against them in the trial. This is the mode in which the prisoners are to have the advantage in their trial under this indictment. I want to know what conspiracy I do belong to? Am I told that because the tailors in Edinburgh struck 10 years ago, the acts which might be averred against them then, were capable of being brought as evidence against the acts of a conspiracy now? This is the general nature of the objections stated. There was another objection, a simple one, stated by my learned brother, which Mr. Handyside did not answer, but which was noticed by the learned Lord. Mr. McNeill asked if the murder was, or was not charged under the charge of conspiracy—is it so charged under this in-

dietment? Is McLean accused of murder, or is he not? He is brought to the bar of a criminal court, and we ask is he charged with murder or not? The Lord Advocate says that is a matter that depends on the punishment. Is this a way to charge murder? I demand of the Public Prosecutor to know if McLean be accused of murder under this indictment? If three men were accused of a conspiracy to collect gold watches, and they take them in dozens; and in this way they commit murder upon an individual who resented, would it be proper, in this case, to charge the men with robbery and murder? This is a novel mode of charging murder, adopted by the Public Prosecutor, and the Court may sanction it; but I put the case to the Court, is this charge a capital charge, or is it not? The Solicitor-General says that this is an objection to the major.

SOLICITOR-GENERAL.—My observation is, that you admitted the major.

MR. ROBERTSON.—I deny the major, according to the construction which my learned friend puts upon it. It may have two constructions; and I want to know whether, under this major, I am charged with murder, or am I not? The Lord Advocate says, it is enough that you are charged with a crime. Is this a relevant way of stating a charge against a prisoner? I say, therefore, in the first place, that murder cannot come within this charge. In the second place, that the illegal Association and conspiracy, bottom of page eleven, must be limited to the conspiracy of the 14th day of June; and if we have gained this point, we have gained our whole object. I do most solemnly protest against the purpose of this indictment—I protest against it going into any inquiry of conspiracy previous to the 14th June. These, my Lords, appear to us to be the observations arising under the first branch. But it has always appeared to me since I first read this extraordinary indictment, that the objection to the charge of murder is of ten times more force and importance than that stated to the charge of conspiracy. I admit that in the case of *Rae* it was ruled that special malice may be proved in reference to an act of murder; but I deny that by the law of this country it is competent, either by charge of intent, or by charge of aggravation, to prove against a prisoner what is not malice against the individual, or any thing connected with the particular act of murder. You are not to prove that I am the murderer of Smith, because I was the murderer of Begby, or any other person. In this manner, as applicable to the matter, I pray the Court to look attentively at this indictment; and I demand, as a matter of right, on the construction of this branch of the indictment, that your Lordships shall throw out of view all that is irrelevant, and all that is a separate charge. I admit that you may refer back to explain the meaning of passages; but it must contain a major and a minor within itself—its own major and its own minor must be complete within themselves. Now, what is the major? It is murder more particularly, “with the wicked and felonious intent,” and so forth. It is murder with a particular intent. Every thing that goes to prove this intent with respect to that particular murder, I admit, under the principle of *Rae’s* case, to be relevant in point of law, but I demur to the minor here. Turn to the 22d page of the indictment. where it is said “or otherwise, you the said Thomas Hunter,” and so forth; and towards the bottom of the page, it says, that “they had struck work, and for the purpose also of intimidating the owners, masters, or managers of said Cotton Mills, by sending to them letters containing threats of personal violence and of death,” and so on to the top of page 23: “and, accordingly, during the continuance of the said strike, menaces and threats of personal violence having been used towards, and assaults having been committed upon the persons of said operatives,” and so forth; and towards the bottom, “and having with such purpose and intent conspired, confederated, and agreed together to murder one or more of said operatives,” &c. Why, here is conspiracy and the murder too. And then it is said that the murder is committed under a conspiracy. I am charged with the attempt of only raising wages, and so forth, and more particularly of assassinating, and so forth; and in order to prove the wicked and felonious intent of deterring workmen, the Prosecutor sets forth that I sent threatening letters to the masters, and burned their houses to deter others from working, and all this with the intent of murdering Smith—that is, all threatening letters sent, and all murders committed in Glasgow—

all houses burned, and all mills destroyed,—all are under this charge of murder to prove the intent of these prisoners to murder Smith. I solemnly pray your Lordships to look at this charge. I submit, with great deference, that, as applicable to this charge of murder, the indictment is monstrous and irrelevant, and may lead to consequences which my learned friends opposite did not foresee when they penned this extraordinary document. Thus far have I proceeded in these general observations. I shall now advert briefly to the charge of sending a threatening letter. Let us keep the thing distinctly in view. Suppose there was nothing else in the indictment but the charge of sending a threatening letter, is it not necessary to set forth the terms of it—is it not necessary to do so, in the manner in which this indictment is drawn? I mean to meet the thing in point of principle. It does not say that a volume was sent containing threats, and in particular the following passages,—It says, “sent a threatening letter.” I am charged with sending a threatening letter, and you are called upon to pronounce an interlocutor of relevancy on this indictment, with passages or words quoted from this alleged threatening letter, but which may be no threatening letter after all. This letter contains a certain passage conveying threats. Supposing the indictment went on to say, *and which letter also contains the following postscript* :—“Believe me, dear Allick, the above is a very bad jest;” would your Lordships have found that a threatening letter? You are entitled to look at the whole letter, and judge whether it is a threatening letter, and you are not to allow passages to be culled out apparently containing a threat. In the case of the Duke of Athol, the whole letter is charged as a threatening letter, precisely as Lord Medwyn observed, and therefore it was set forth in full. But in the present case, the whole letter is not a threatening letter, and the Prosecutor is bound to give it from beginning to end, that your Lordships may judge whether it really does contain a threat. Mr. R. (after referring to Justice Grove, vol. ii. page 641, in evidence that letters alleged to be threatening letters must be set fully out for the judgment of the Court,) said, “if I am right, therefore, in maintaining the necessity of sending forth the whole of the threatening letters, I submit to your Lordships that the distinction in law attempted to be made out is not a satisfactory one. These, my Lords, are the objections that humbly occur to us as necessary to be brought under the consideration of the Court, and to which we pray your Lordships’ consideration.”

The pleadings being concluded, their Lordships adjourned, and after an absence of about two hours, the LORD JUSTICE CLERK, on their return, pronounced an opinion to the following effect :—The Court having paid every attention to the able arguments of the Counsel for the pannels, on the objections to the relevancy of the indictment, and the answer on the part of the Public Prosecutor to these objections, have come to be of opinion that this indictment is relevant, and must go to a Jury. In regard to the charge of a conspiracy, the Court are equally clear that giving to the narrative of this indictment the fair construction due to it, and looking to the way and manner in which the indictment is framed as to the charge of conspiracy, and the specifications on which the Public Prosecutor relies to establish it, and the various acts brought forward which were the results of that conspiracy, are of opinion that the indictment is not liable to any valid objections. They have considered the whole of the indictment, and although in some one or two passages the meaning may be less clear, yet when the narrative of the indictment states the earlier proceedings of the Cotton Spinners, and when it states the essence of the crimes alleged against the prisoners, it states sufficiently the grounds on which the Prosecutor is to conclude that the prisoners are art and part in the charges brought against them. In regard to the threatening letters, the Court are of opinion that they are not liable to valid objections. They are of opinion that it is one of the means by which the conspiracy was carried into execution, and that there is a sufficient certification by the Public Prosecutor to the prisoners, that such a charge is to be brought against them, and that they are averred and undertaken to be proved to the satisfaction of the Prosecutor to be threatening letters. The answer to the objection in regard to the threatening is considered to be sufficient. The difficulty which the Court entertained was as to the shape and manner of the alternative charge of murder, and they listened with great attention to the argument urged both by

Mr. McNeill, and in reply by Mr. Robertson, (Counsel for the prisoners;) and although there are difficulties, which the Court do not disguise, difficulties of some importance on the minds of some of the Judges, yet, upon the whole, they are of opinion that they cannot find that there is not a relevant charge of murder in this indictment. It appears to the Court, that after having stated all the matter offered in proof of the alleged conspiracy, the indictment itself would be perfectly sufficient if it had stopped at the close of page 21; and added, "in furtherance of the wicked and felonious object of the said conspiracy," "did thereby kill and slay, and murder the said John Smith." On the whole, the Court are of opinion that the indictment must go to the knowledge of an assize, it being clear that the words, "or otherwise," commencing the alternative charge, are words that have reference to the previous words as matter of fact, and that no new facts are thereby brought forward, these words being considered just a subsumption of what had gone before. His Lordship stated that it was considered proper that they should announce generally the opinion of the Court, as his Lordship had now done. It was proper also to mention that they were all impressed with the novelty and difficulty of drawing such a charge as the one before them.

The SOLICITOR-GENERAL moved that the trial should be adjourned till Monday, the 27th of November. The prisoners' Counsel objected to this, on the ground that they had many exculpatory witnesses in attendance from various parts of the country, and were quite prepared to go before the Jury; but the Court adjourned the Trial, on the Crown agreeing to pay part of the expense of attending the bringing the exculpatory witnesses again to Edinburgh.

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The Committee having now given a faithful report of the first day's proceedings of this national struggle of Labour against what appears to them tyranny and oppression, beg leave also to introduce the following letter from their indefatigable agent, Mr. Andrew Gemmill of Glasgow, as to the arrangements which they have in progress for the postponed trial of the 27th, in order to convince the country that nothing has been left undone to obtain justice for these persecuted Cotton Spinners, and through them the working classes in general:—

Glasgow, 20th November 1837.

DEAR SIR,

It may be that you, and your brethren who represent the Trades in the present struggle, may suppose, that in consequence of the indisposition with which I have been overtaken, consequent upon my recent over-exertions in the cause of the Cotton Spinners, the interest of the prisoners, and that of the operative classes generally, so far as the proceedings are intended to strike against the rights of the working man, may be allowed to suffer. But I beg to assure you, that, although my bodily frame is racked with pain, and debilitated, my mind, my whole soul, is still actively engaged in the business, and that I shall struggle in the cause to the *last extremity*. Indeed, I am so *morally convinced* that the prisoners are entirely innocent of the great offences of conspiring to assassinate, and of committing murder, and am so impressed with the importance of the ultimate result of the investigation to the industrious, wealth-producing classes generally, that I am determined to hazard my own life in the cause, rather than allow five men to be *victimised*, and the rights of the operatives to be trampled upon, without every effort being made to save the one, and to protect the other. I am happy to say that I feel my pains less acute to-day, and that although I will be unable to attend the consultation with Counsel in Edinburgh to-morrow, yet I have been able to forward such information as will supersede the necessity of my attendance, and I shall go on with the work of preparation, here, at all risks, and will attend the trial to see justice done, although I should be carried to the Court-house in a chair. But I trust that a day or two will work a considerable

improvement in my state of health. I have thought it proper to say this much, that the minds of you and your friends may be relieved of all anxiety that the business might not be properly attended to.

I am

DEAR SIR,

Yours truly,

AND. GEMMILL.

MR. HUGH ALEXANDER,  
*Chairman of the Trades' Delegates.*

Since receipt of the above letter, the Committee have received another from Mr. Gemmill, the subject of which, while it renders nugatory all the unremitting zeal and labour which he has evinced in the cause, completely confounds all the previous calculations of the Committee. The following is a copy of Mr. Gemmill's letter, *announcing that the Crown Counsel have again postponed the Trial!!!*

Glasgow, 22d November, 1837.

DEAR SIR,

I have just received from Mr. Salmond, Procurator Fiscal, the letter, of which the following is a copy, in reference to the Cotton Spinners' case:—"For regulation of you and the witnesses in exculpation, I write to intimate, that, in a letter from the Crown Agent, received this morning, he says that the witnesses are not to attend on the 27th inst." It thus appears that the case is to be *again postponed, without any reason assigned*, and I am wholly at a loss to conceive any good or reasonable ground for such an extraordinary proceeding. It is to me the more unaccountable, because my Edinburgh Agent, on making inquiries, by my instructions, whether there was any chance of the case not being proceeded with on the 27th, as fixed by the Court, was positively assured by Mr. Handyside, one of the Crown Counsel, on Monday the 20th current, "that at the present moment (Monday last), there is not the slightest intention of postponing the case beyond Monday first, and that the statement in the Newspapers (to the contrary), was quite unauthorised." I have therefore written to my Edinburgh correspondent, per the forenoon mail of this day, requesting him to obtain some explanation on the subject, and I hope to have an answer to-morrow morning. In the meantime, I need hardly say that this *second postponement* chagrins me exceedingly, not only because I have, at great personal inconvenience to myself, while in a delicate state of health, made the necessary preparations for the trial proceeding on Monday first, but because the adjournment will have the effect of prolonging the imprisonment of the poor men, and adding greatly to the expense of *finally* obtaining justice for them. I doubt not that the prisoners themselves, their friends, and the public generally, will feel greatly disappointed; but, unfortunately, there is no alternative but to submit to the will of the Crown lawyers, until the expiration of the period fixed by statute, when the prisoners can demand their restoration to liberty, unless sooner brought to a fair trial. The Crown Counsel, however, have much power vested in them, even in the way of *evading* the primary provisions of the statute, *by changing the form of procedure*, and even bringing *new charges* against the prisoners; and thus the Lord Advocate may, by a system of *management*, prolong the imprisonment of the men, almost indefinitely. There is much room for improvement in the laws in this respect; and the present case may satisfy the lieges of the necessity of *insisting*, by all law-

ful means, for such an amendment of the laws, as will secure to persons accused of crime, *cheap and speedy justice*.

I am,

DEAR SIR,

Yours truly,

AND. GEMMILL.

MR. HUGH ALEXANDER,

*Chairman of the Trades' Delegates.*

In consequence of this second postponement, the Committee unanimously adopted the following Resolutions and Petition, and afterwards agreed to submit the same to a Public Meeting of the inhabitants of Glasgow, to be held on Monday evening, Nov. 27th, at 8 o'clock, in the Lyceum Rooms, Nelson Street.

H. ALEXANDER, Chairman.

*Resolutions to be proposed at a Public Meeting, to be held in the Lyceum Rooms, Glasgow, on the 27th day of November, 1837 :—*

RESOLVED 1st, That this meeting have viewed, with astonishment and regret, the conduct of the Crown authorities, in the case of the Cotton Spinners, and are determined to use every effort in their power, to obtain a fair and speedy trial for these men, by a Jury of their countrymen. That the repeated delays seem to have for their objects, only to weary out the sympathy of their friends—create expense to the accused, and harass them into a conviction, by taking them at a disadvantage, which the Public Prosecutor never could have obtained by fair and honourable means.

RESOLVED 2d, That the power vested in the Crown authorities, of indefinitely delaying the trial by legal quibbles, and keeping the men in prison, appears to us as an evasion of Constitutional rights, equivalent to a suspension of the Habeas Corpus act, in direct violation of British freedom, and for which they ought to be called to an immediate explanation.

RESOLVED 3d, That since justice cannot be obtained by law, application be immediately made to Parliament, for the immediate trial or liberation of the Committee of the Glasgow Spinners; and that a petition, founded on the preceding resolutions, be immediately forwarded to D. Whittle Harvie, Esq. M. P. to be presented to the House of Commons, and to be supported by T. Wakley, Esq. M. P. Wallace, Hume, Dennistoun, &c. &c.

To the Honourable the Commons of Great Britain and Ireland, in Parliament assembled, the Petition of the undersigned Inhabitants of Glasgow and suburbs, in Public Meeting assembled;

*Sheweth,*

That on the 25th of July, 1837, a murder was committed in the streets of this city, which your petitioners deeply deplore; that a great number of operatives were arrested on suspicion, and, without a shadow of evidence, immediately consigned to dungeons; while the masters, who might as well have been guilty, and whose general conduct has been at least as questionable as that of the operatives, were allowed to remain undisturbed, and enjoyed the especial favour of the local authorities. That after various examinations, and at different times between that date and the beginning of October, they were all liberated upon the lowest bail allowed in Scotland, with the exception of five, who are still in prison.

That when, on the 25th October, indictments to stand their trial were served upon them, it was observed with astonishment that the charges


preferred against them were not confined to special offences committed at any given time or place from which they might prepare to defend themselves, but that, as members of a Trade's Union, they were to be tried on a number of counts, extending over a period of many years, and which would require an enormous expense to be incurred in defence; that, nevertheless, when by the kind assistance of their friends they had prepared that defence, been carried before the High Court of Justiciary, in Edinburgh, and taken their witnesses from great distances to that place, the trial was postponed for upwards of two weeks, and the same trouble and outlay again required to be incurred; and now, when they are ready to go to trial, it is again indefinitely postponed, and an increased expense thus laid upon them, the men detained in prison, their wives and families starving in the mean time, their healths suffering, and their characters for ever blasted. That it thus appears that the whole conduct of the Crown Authorities has been so partial and cruel, that your petitioners cannot help expressing their entire disapprobation of it, and to call upon your Honourable House to cause an investigation to be made into the matter. That your petitioners are convinced that those repeated delays, after five months' preparation, furnish proof that the Crown Lawyers have no evidence to bring forward; that they have for their object only to create expense to the accused, to weary out the sympathies of their friends, and harass them into a conviction, by taking them at a disadvantage, which they never could have obtained by fair means.

That the power thus shewn to be in the hands of the Crown Authorities of indefinitely postponing by legal quibbles the trial of any man, and, at the same time, confining him in prison, is contrary to every principle of constitutional freedom, equivalent to a suspension of the Habeas Corpus Act, incompatible with British freedom, and which ought not to exist one day longer. With such a power in existence, no man is safe, and your petitioners are unwilling to believe that its exercise could ever have been contemplated by the legislators of their country.

May it therefore please your Honourable House to take the matter into your special and immediate consideration, to command either an early trial of the men, or their liberation; and, at the same time, to order an investigation into the conduct of the whole Crown Authorities, in order that justice may be done, the guilty punished, and the perpetration of such iniquities prevented in future,

And your Petitioners will ever pray.

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 The subsequent part of the Trial, as soon as it takes place, will be published in successive two-penny numbers.



## TO THE READERS.

THE Trades' Committee, at this early stage of the publication of their Edition of the Trial, deem it proper to submit to their readers the account received from Mr. John Fraser of Edinburgh relative to the sudden departure of the five men from Edinburgh jail to London, and also two important Letters from the prisoners, one to Mr. Marshall, the reporter of the edition of the Trial published by William Tait of Edinburgh; Peter M'Kenzie & Co. "Reformers Gazette" Office; W. R. M'Phun, Glasgow; Effingham Wilson, and N. H. Cotes, London. The other letter is a concise summary of the whole evidence relative to the prisoners, and their gratitude for the assistance which they received from the working classes and others, towards paying the expense of their defence, and the support of their families.

Tuesday.

MY DEAR CAMPBELL,—You and your friends are no doubt in deep distress—and so am I. I have not experienced so much agony for years. I am only beginning to recruit a little from a state of utter wretchedness and incapacity to discharge any duty. But this won't do: we must still exert ourselves to the last. First, then, the poor, the miserably disappointed Spinners. We cannot now get in to see them without an order from the Sheriff. I was refused to-day; but one of our Committee got an order, and was admitted. No food is allowed to be taken in now; but they got £1 from us to-day, with which they can buy, though at a dear rate, any victuals they wish, and cook them themselves. So far, there is no want. I have learned from Mr. Fisher, the Edinburgh Agent, to-day, that the Counsel have agreed to petition the Queen for a remission of the sentence; and that Mr. M'Neil, Advocate, is to write it. I am going out immediately to ascertain the minority of the Jury, with a view to get them to sign the petition also.

Mrs. M'Neil arrived to-day. Poor woman! she bears her affliction amazingly well. She got a line of admission from the Sheriff. She will remain a few days with me. I pity her much. I hope she will, by some means or other, get in again to see him.

I received Mr. M'Nish's letter. The whole cry of our friends is for a public meeting to get explanations. None can understand from the papers the real merits of the case. It is so long and so rambling, few can comprehend it. Few see how little of it bears on the prisoners.

Well, since writing the above, I have seen one of the Jury, the minority. I have got the names of the seven men, to whom be eternal praise. One of them is a gentleman who drives his coach and two: all of them were indignant at the verdict; and the one I have seen, states there can be no doubt of the willingness of all to sign the petition of the prisoners for a remission of the sentence. This must have a good, a great effect, indeed! Then, as to what ought to be done next, see my sentiments in the last *Liberator*, put in as the leader, at the end of the paper.

I do not know what to say regarding public meetings. The counsel here are against them. Our English friends will not be gagged. I am sure this counsel is in opposition to their wishes, and that they will not follow it. Why then should we be silent? The Queen, the Commons, must be overwhelmed with petitions, setting forth the charges as not proven; and that though they were, the punishment is outrageously severe. My own opinion is, we cannot begin too soon; but we shall not move till you let slip the dogs of war.

I trust in getting up resolutions. Unmeasured condemnation shall be marked out against all outrages connected with Unions, as well as with *drinking*. I tell you frankly, I shall not estimate as I would like to do the morality of our Glasgow friends, if they do not speak out on these subjects. The time has gone by to trifle

with such evils. Depend upon it, in entering our defence for the Spinnars, and in reviewing the whole bearing of their case, we shall bring up these evils to public trial, and get them, I trust, condemned.

Wednesday Evening.

This afternoon we got word that the Spinnars would be taken off immediately. Mr. M'Kerracher and myself speedily ascertained it was too true. We went up to the jail, and stood outside, and saluted them as they looked through the coach window. I instantly ran for Mrs. M'Neil, got a coach, and went off to Newhaven. By that time the prisoners were aboard of the London steamer. We got a small boat and went aboard—saw them for five minutes. Poor Mrs. M'Neil and Richard had hardly time to say a word, but exchange a few heart-breaking embraces. I can hardly tell you what passed between myself and them. My brain burned, and my heart was overwhelmed with smothered grief. Cheer up, my friends, said I. Depend upon it we will do our utmost to serve and save you. I had not half an hour before they got notice to prepare—for not half an hour before they got notice of departing—got a long letter put into their hands, giving them a complete view of the best and worst of their situation, their various hopes of deliverance, by our instrumentality, as well as their own. This letter would give them a vast deal of comfort: I feel unspeakably gratified they got it; and most fortunately I got out a letter to your Committee to be published to the world. These two things were effected by the instrumentality of Mrs. M'Neil. It is a most blessed circumstance she came through. When their letter is published, it will shew the world the true features of their case, and how deeply they have been wronged. It expresses to you, the nation, their Counsel, Agents, &c. their gratitude for the respective services performed to them. I am sending a copy to Leeds, Newcastle, and London, for publication, to catch the first papers, which could not have been done had I first sent it to you. I shall send it to-morrow to you. I saw Mr. Fisher to-night. He now consents to our getting up public meetings, without delay, to petition the Queen and the Commons for a remission of the sentence. He is utterly confounded at the removal of the men. He went off to inform Counsel. I urged not a moment to be lost to get up their petition. The Jury can sign it here; and Mr. Fisher will send it to his London Agent to get it signed by the prisoners. Our Committee met to-night. Our public meeting is fixed for Tuesday evening. Rouse them to action. Get another appeal to the world for petitions from every quarter. Send us word as to the best mode of getting them up. I would suggest, that you get a great lot of slips of the Prisoners' declaration for circulation. Mrs. M'Neil called on the Lord Advocate to-day, who received her with much civility. She told him of the intention to petition for their acquittal; and he formerly and unasked said he would offer no opposition to this course, though as the Prosecutor he said he could not directly countenance the petition. He is humane; I shall believe him to be in earnest.

The following was sent out yesterday by the Prisoners:—

Edinburgh Calton Jail, 16th January, 1838.

To Mr. MARSHALL.

SIR,—We have carefully perused the pamphlet sent to us by you, through the Governor, purporting to be an account of our trial, and the causes which led to it. And, Sir, without imputing any dishonourable motives to yourself; truth compels us to say, that we have looked in vain for some part of it that we might have the pleasure of saying was correct.

It is from beginning to end a tissue of misstatements and inaccuracies; with the exception of a few of the witnesses, it is shamefully so. Names, dates, and statistical accounts, are ridiculous. In one word, Sir, had the pamphlet come from any other person than yourself,\* we would have at once concluded that the

\* It is understood Mr. Marshall had been professing friendship to the prisoners.

writer of it had no other object in view, than to injure our cause, and to wound our feelings in our present unenviable situation.—We are, Sir, &c.

THOMAS HUNTER,  
PETER HACKET,  
RICHARD M'NEIL,  
WILLIAM M'LEAN,  
JAMES GIBB.

This you must instantly publish. It was sent to Marshall. I send a copy to London, Newcastle, and Leeds; and we advertise it in two papers here on Saturday.

I have many more things to say, but I am wearied out. I have written to G. Loveless,\* for every necessary information, &c. for the benefit of the prisoners. Instantly prevent any of the relatives from coming here.—Yours, in haste,

J. FRASER.

Compliments to other friends.

Thursday Morning, 4 o'clock.

To the Secretary of the Trades' Committee,  
Glasgow.

8, South St. David-street, Edinburgh, 17th Jan. 1838.

Edinburgh Jail, January 15, 1838.

DEAR SIR,—Our case, which has excited so much public interest, has now come to a close, and we have received, in the language of one of the Judges, (M'Kenzie,) an arbitrary sentence; how far that sentence is in accordance with the laws of this country, and the usages of our courts of justice, we leave the public to decide. After having calmly examined the nature of the crimes of which a Jury have found us guilty—after minute and impartial investigation, we think it will be found, that those crimes amount, in substance, to neither more nor less than this—that we, along with our fellow-workmen, resolved, and did strike work against an enormous reduction of our wages resolved upon by our employers: that a tumultuous crowd or mob of men, women, and children, of every grade and description, amongst which there were some spinners, assembled at Oakbank, and that some stones, fish-heads, and other missiles, were thrown, and two men were thereby a little hurt; and that another crowd assembled near Mile-end, in Calton, and some spinners were seized upon by the Police, not for any offence except composing part of the crowd, and that one of them was summarily brought before the Sheriff, and convicted of what he never before knew to be a breach of the law; and that the Cotton Spinners' Society resolved, at the request of their Agent, to use their influence with their own body to prevent their members from joining in such assemblies in future. Yes, dear Sir, this is all a Jury, after eight days' attentive investigation,—a period unparalleled in the history of criminal jurisprudence in this, or perhaps any other country, could find against us; and what we think worthy of remark, notwithstanding, or any one else, attempted to say, that any one of us were near those places where the disturbances occurred; in fact, some of us were not in the kingdom at the time. So you may see, Sir, that our offence consists entirely in our being members of the Spinners' Committee,—an offence, if it be one, that we have not at any time attempted to deny. As to the evidence upon which these things were established, such as papers found in a chest of drawers in some of our houses, where no chest of drawers ever was,—or 20 or 30 new hands taken in at Oakbank, where only 11 could possibly be admitted, and only 13 ever could be admitted at any time,—and a thousand other absurdities which came out in evidence against us, it is not our intention to comment on. Nor do we wish to say anything about the secret that happened to slip out in the heat of an eloquent address to the Jury by a great personage—"That the conspiracy, of which we formed a part, was more formidable than the CONSPIRACY against us," or words to that effect. We leave these things to the public.

\* One of the returned Dorchester labourers.

Our object in addressing you at present, is solely for the purpose of expressing our unfeigned and heartfelt gratitude to you, Sir, to the Committee of which you have the honour to be chairman, and to the Working Classes generally, for their promptitude and liberality in coming forward with pecuniary aid to afford us the means of defence, and save our families from starvation, which must have been their fate, but for the sympathy of a generous public. It would be injustice to withhold from the Trades' Committee of Edinburgh the meed of praise and gratitude due to them, for the kind and unwearied attention paid to us during our confinement here. Nor can we forget those patriotic friends of freedom and justice, O'Connor, Beaumont, Stephens, Oastler, Taylor, and many other philanthropic spirits who made our wrongs ring from pole to pole, and roused the working classes from their lethargy, by shewing them that the blow aimed at us, was equally levelled at themselves, of the truth of which we have no doubt they will soon get convincing proof. We cannot withhold our gratitude from the many disinterested friends who came forward with their mite to procure for us justice and a fair trial. When these see what has been our fate by one of a majority of a Jury finding us guilty of the crimes above enumerated, while that Jury unanimously cleared us of the many foul charges brought against us, they can be at no loss to know what would have been our fate had we been left without the means of defence. For our part, we have no hesitation in saying, that our earthly career would have terminated on a disgraceful tree! How far we are deserving such a fate, as we have said before, we leave the public to judge.

In conclusion, Sir, we beg leave to tender our sincere thanks to our Agents, particularly Mr. Gemmill, for his able, efficient, and indefatigable exertions in our case; indeed, had he been a brother, he could not have done more for us. As for our Counsel, they are too well known in public to require any eulogium from us. Their assiduity and attention during the whole trial, we believe, is unrivalled in the history of this country. The legal and literary talent displayed by Messrs. McNeill and Robertson, is also without a parallel in the annals of pleading, at least that we ever heard or read of. Where now, we ask, are the conspiracies to burn mills, warehouses, &c. &c. and to commit MURDER, with which we were so unsparingly charged, from the day of our apprehension to the day of our trial? They are where they ought to be, thanks to an enlightened and discerning Jury, thrown back in the face of their cruel and unprincipled fabricators. Accept, then, Sir, in name of these friends of freedom we have enumerated, the unqualified thanks of your ever faithful but disconsolate friends. When we are dragging the felon's chains, and perhaps writhing under the lash of our taskmasters—while the tears of our wives, our dear little ones, and numerous relatives, water the streets of our native city, you can recline on your pillow with the consoling reflection, that you have done your duty to prevent these, and even worse consequences, as it is more than possible that all or any of us will never have an opportunity of seeing you.—With our best wishes for your welfare, adieu, dear Sir, adieu.

THOMAS HUNTER.  
PETER HACKET.  
RICHARD McNEIL.  
JAMES GIBB.  
WILLIAM McLEAN.

To the Chairman of the Glasgow Trades' Committee.

# TRIAL

## OF THE

### GLASGOW COTTON SPINNERS.

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We now proceed to state what has occurred since the date of the last publication, announcing the postponement of the Trial of *Thomas Hunter*, *Preses*; *Peter Hackel*, Treasurer; *Richard McNeil*, Secretary; and *James Gibb*, Assistant Secretary; and *William McLean*, an individual Member of the Association of Operative Cotton Spinners of Glasgow. On the 27th of November a quorum of the Judges met, and, on the motion of the Crown Counsel, the Trial was continued till Monday the 4th of December. It was conjectured that it was the intention of the Lord Advocate to depart from the Indictment which had been sustained as relevant by the Court; and that the postponement was craved to allow farther time to prepare a new Indictment, comprehending a number of new charges, although this was not avowed by the Crown Counsel. And the conjecture was found to be correct; for, on Saturday the 2d of December, the prisoners were served with a new Indictment, in the form of what are technically called "CRIMINAL LETTERS," which superseded the previous indictment. These criminal letters entirely altered the shape and complexion of the case, both as to the manner of stating the charges, and the number of the crimes imputed to the prisoners; and the prisoners were thereby summoned to stand trial before the High Court of Justiciary, at Edinburgh, on Wednesday, the 3d of January, 1838. Although the manner of setting forth the charges was changed so as to enable the Crown Counsel the more easily to obtain a conviction—and although the number of the crimes specifically charged, was greatly increased, the character and nature of the offences, and the objects for which it was stated they were perpetrated, were substantially the same as had been stated in the former indictment. It is therefore thought, that it will be sufficient simply to state the

#### HEADS

#### OF THE CRIMINAL LETTERS,

Without minute detail,

and which contained an introductory or historical account of alleged illegal acts, (without specifying times, places, or circumstances,) in the same terms as were set forth in the former indictment. The following specific offences were then charged:—

- I. That the prisoners, with others, in April 1837, conspired and con-

federated together, to effect the object of the strike, then in operation against a reduction of wages, by intimidation and molestation, and other illegal means.

II. That guards, and other persons appointed and encouraged by the Association, beset Oakbank Factory, on 9th May, 1837, and intimidated and assaulted the new hands employed therein.

III. That guards, and others appointed or encouraged by the Association, beset Mile-end Spinning Factory, on 15th May, 1837, and molested and obstructed the new hands employed thereat, in going to and returning from their work.

IV. That the prisoners and others, conspired to burn the factory of Hussey & Son, and hired an incendiary for that purpose, who, for £20, did, on 3d May, 1837, throw a burning match, formed of inflammable materials, into the factory.

V. That the prisoners and others, on 14th June, 1837, conspired to effect the objects of the strike, by sending threatening letters to the masters—by setting fire to factories and dwelling-houses—by invading the dwelling houses of the operatives, and intimidating them—and by assaulting and murdering the new hands: and, in furtherance of this conspiracy, appointed a "Secret Select Committee," to perpetrate the various illegal acts resolved upon.

VI. That the said "Secret Committee," and the prisoners, on 15th June, 1837, did hire certain persons, and pay them £10, to assault the new hands at the Adelphi Cotton Works, and two persons were assaulted accordingly.

VII. That the said "Secret Committee," and the prisoners, on 20th June, 1837, did write, or cause to be written to Alexander Arthur, Manager of the Adelphi Cotton Works, a letter threatening him with personal violence, which letter was "put into the Post-office at Glasgow," and delivered to him.

VIII. That the said "Secret Committee," and the prisoners, on 3d July, 1837, wrote and transmitted another threatening letter, to the said Alexander Arthur.

IX. That the said "Secret Committee," and the prisoners, on 24th July, 1837, wrote and transmitted a threatening letter to Mr. John Bryson, Manager in a Cotton Mill, at Greenhead of Glasgow.

X. That the said "Secret Committee," and the prisoners, did, on 30th June, 1837, hire six persons, at the sum of £10, to invade the house of Thomas Donaghy, to intimidate him from continuing to work at reduced wages, and that the said persons did violently enter his house, and cause Donaghy, through fear and alarm, to swear or promise, that he would give up working, and which persons did thereafter abscond and fly from justice, and were declared outlaws.

XI. That the said "Secret Committee," and the prisoners, hired an incendiary, at the sum of £20, to burn the dwelling-house of Mr. James Wood, a Millmaster, and which persons so hired, did, on 11th July, 1837, throw two canisters, containing burning inflammable materials, into Mr. Wood's house.

XII. That the prisoner, *M'Lean*, was hired by the other prisoners, and the said "Secret Committee," to murder one of the new hands, and that for the sum of £20, *M'Lean* did, accordingly, shoot and wound John Smith, on the 22d day of July, 1837, of which wound he died on the 25th of that month.

AND ALSO,

I. That the prisoner *M'Neil*, had written, and "put into the post-office at Glasgow," a threatening letter to Alexander Arthur, manager of a factory under strike.—And,

II. That the whole prisoners, or one or other of them, had murdered the said John Smith, by shooting him on the said 22d day of July.

The Criminal Letters, which consisted of forty-nine printed pages, contained a list of ninety-one witnesses against the prisoners, and a schedule specifying forty-three books, and other documents, to be used as evidence of the prisoners' guilt. The Trial has been unprecedented, both in reference to the magnitude and number of the crimes charged, and the length of time occupied in bringing it to a conclusion; and we now proceed to give a faithful account of the proceedings which took place in the course of the investigation, as furnished by a short-hand writer, specially employed for that purpose.

WEDNESDAY, 3d JANUARY, 1838.

*Present.*

THE LORD JUSTICE CLERK. LORD MONCRIEFF.  
LORD M'KENZIE. LORD COCKBURN.

*Counsel for the Crown*.—The Lord Advocate, (Murray), the Solicitor General, (Rutherford), Robert Handyside, and John Shaw Stewart, Esqs. Advocates-Depute.

*Counsel for the Prisoners*.—Patrick Robertson, Duncan M'Neil, Alex. M'Neil, James Anderson, and H. G. Bell, Esqrs.

*Agents for the Crown*.—David Cleghorn, Esq. Solicitor, Edinburgh, and George Salmond, Esq. Writer, Glasgow.

*Agents for the Prisoners*.—Charles Fisher, Esq. Solicitor, Edinburgh, and Andrew Gemmill, Esq. Writer, Glasgow.

The prisoners, who had all a respectable appearance, were required to stand during the reading of the indictment by the Clerk of Court, which occupied nearly two hours.

The LORD JUSTICE CLERK then said, "Thomas Hunter, what do you say to the indictment preferred against you—are you guilty or not guilty of the crimes laid to your charge?" Hunter, in a firm voice, answered, "Not Guilty, my Lord." The same question was put to each of the other prisoners, and they severally answered in a similar manner, pleading not guilty.

The LORD JUSTICE CLERK asked the prisoners' Counsel whether they had any objections to the relevancy of the indictment?

Mr. ROBERTSON answered that they had.

Mr. DUNCAN M'NEIL said, My Lords, in objecting to the relevancy of this indictment, we are not insensible to the prospect that is before your Lordships of considerable labour and exhaustion in the investigation of so extensive a charge as this. We are anxious to avoid, as far as possible, adding to that labour; but we find we can not, consistently with the paramount duty which we owe to our clients, abstain from bringing under

your notice important objections which we have to the relevancy of this indictment.

In reading the indictment, your Lordships cannot have failed to observe that it is materially different from the one which was under your consideration some time ago, in its substance, and its structure, and its details; and I am free to say, that, in several respects, it is more correct. We have had the benefit, in the present indictment, of certain things being stated more clearly than they were in the former; but in its present shape it has opened up to us new objections which it is necessary to state. It is necessary that we understand the character of this indictment, and the principle on which it is founded. There are here four major propositions. In the *first* place, a major proposition of an illegal conspiracy of a certain kind; *secondly*, a major proposition of an illegal conspiracy of another kind; *thirdly*, a major proposition of sending threatening letters; and, in the *fourth* place, a major proposition of murder. Then, at the second page, there begins a general minor, which sets forth, that a certain Association was formed long ago, and gives the origin and character of that Association, administration of certain oaths, and the number of workmen who became members of it, being almost all the Operative Cotton Spinners in Glasgow; and then, at the third page, it states, that the Association occasionally resolved to strike work; and, on those occasions, this Association conspired to use intimidation, and perpetrate violence, and appoint a guard committee; and, at the fourth page, it states the object of the guard committee to watch and assault, and so forth; and then it states the general character of the Association, and that on certain occasions it struck work; and on some of those occasions, not always, when in a state of strike, the Association conspired (page 5) to send threatening letters, to set fire to dwelling-houses, to perpetrate acts of violence on the persons of workmen, and so forth. When these conspiracies took place, it is said that they appointed a secret committee, as described at page 6; and the unlawful acts were committed, in so far by the secret committee. This is the general history and character of the Association especially referable to that purpose, not applicable to any particular time and place, but the general history and character of it. Then, at page 6, we come to something more particular. It states that this Association, as above described, existed for a long time, and in particular in 1836 and 1837; and that particularly in 1837, the accused were members of that Association, and held offices in it, which are described at pages 7 and 8. And then it is more particular still, and says, that this being its existence and character in 1837, and these prisoners holding these offices in this Association, that in April it was resolved that there should be a strike, and there was a strike accordingly on the 8th of April. The character of this Association is, that it occasionally struck; and here is a particular strike; and then it says, not only that they struck, but that the Association resolved to condescend the masters, and compel the operatives not to take employment at a rate of wages different from those prescribed by the Association. As yet we have nothing said of any desperate conspiracy of any kind. We have the fact, that the Association struck on the 8th of April; but not yet that any of those occasional conspiracies had been formed. It is not said that the Association then conspired; but at page 9 it states things more particularly, and the rest of the indictment after that contains statements of three several conspiracies subsequent to the strike of the 8th of April,—the first in April, the second in May, and the third in June, 1837. The immediate object or purpose of these three conspiracies are different,—the acts said to have been performed by these conspirators are different. The acts said to have been performed by the first conspiracy are stated to have



been completed before the date assigned for the existence of the second; and the acts said to have been performed by the second are stated to have been completed before the date assigned for the existence of the third. These three are in every respect different,—different at the time of their formation, and different as to the acts perpetrated. There is some difference also in the individuals said to have been conspirators. There is not any identity of the persons except that the accused are alleged to have been members of the three conspiracies.

(1.) There is, first, the conspiracy in April, as stated at page 9, to use intimidation and violence against the persons of operatives, not against masters, and not against property of masters or operatives; but it is a conspiracy of that date to use intimidation and violence against operatives. Then it is stated that in furtherance of the object of the conspiracy, the prisoners and others appointed a guard committee, and the libel states the purposes of the guard committee; and that the guard committee did certain things at Oakbank. Then again at page 12,—“Like-as” they did certain other things at Mills-end, without dates. But then it states more particularly, that it did certain things at Oakbank, “like-as” at Mills-end,—and so ends the first conspiracy.

(2.) Then at the top of page 14 begins the second conspiracy, with a continuation of the former; and, further, that on the 23d May, certain persons conspired in a certain apartment. This conspiracy is more limited and definite in its purposes;—it is solely to destroy the mills of Hussey & Son,—not that those persons who then conspired, conspired to do violence to the persons of operatives or masters, but to destroy the property of Hussey & Son; and, in furtherance of that, they employed certain persons,—and so ends the conspiracy of May.

(3.) Then, on page 16, there begins an additional narrative introductory to the 3d conspiracy. Now, this 3d conspiracy is more general in its statement and purposes than either of the two preceding. It is stated, on page 18, to be a conspiracy to force the masters, their late employers, to re-employ operatives; and it states that it was to accomplish that object by attacking the persons and properties of both masters and men, by sending threatening letters, by setting fire, or attempting to set fire to houses and factories, by invading houses, and assaulting and murdering operatives.

Then it says that this conspiracy called a meeting of delegates, and resolved to appoint a select secret committee, and did appoint that committee; and then, that this select secret committee did write letters, or employ others to write letters, and so on. Then it goes on to particularize, that it did generally send letters, invaded houses, and assaulted; and more particularly, it did commit assaults at the Adelphi Works,—“like-as” sent a threatening letter, signed, G. T.—“like-as” sent another threatening letter—“like-as” sent another threatening letter—“like-as” hired to invade a house—“like-as” attempted to set fire to Mr. Wood’s house—and “like-as” employed M’Lean to murder Smith. These are the acts the prisoners are charged to have performed in June. All that part of the indictment is referable to the charges of conspiracy said to have been entered into on the 14th of that month.

Then the indictment goes to things applicable to matters of another nature, things applicable to the 3d and 4th major; and the next act we have is “as also” the prisoner M’Neil did send a certain threatening letter. It is the same letter stated as the second act of the third conspiracy. It is here charged unconnected, or not necessarily connected, with the conspiracy in reference to the third major. There is first a general statement, then a conspiracy as a crime,—a conspiracy in April—a conspiracy in

May—and a conspiracy in June, and particular acts are said to be done by each of these particular conspiracies. Then the indictment goes on to state other matters. Let us now turn back to the major.—There are two majors of conspiracy, a conspiracy in both to raise or keep up the rate of wages,—that is the character of the conspiracy—to keep up the rate of wages by the means there set down. This is unconnected with a statement that the things were done. Then comes the other major, that they conspired to raise wages by means of certain specific things, and these things are stated. That is the distinction between the two major propositions here,—one is conspiracy which does not perpetrate, and the other is a conspiracy to accomplish a certain object by perpetrating, and it does perpetrate. In the minors there are three separate specified conspiracies of the dates described. I do not see to which of the majors any of these conspiracies are referable. The first major is a conspiracy to raise wages by intimidation and acts of violence, and so on. I wish to know to which of the conspiracies it is referable, the conspiracy of April, May, or June? If the two are different, as they must be, we must know to which of these two different majors any act of conspiracy may be referable. Is it referable to the first or second major? In the same way, is conspiracy of May, and so in regard to the conspiracy of June—is the conspiracy of June under the first or second major? Is there any minor that exists in this first major, and is within this first major. I do not see that there is. I do not see that there is any conspiracy libelled, that exists in the first major proposition. The second major is different and wider; but is there any means referable to this first major;—and if not, why is the first major there? I submit that every major must have a minor, a minor that comes up to it, but I see no minor referable to the first major. But, secondly, let us examine the second major. It is a conspiracy to keep up the rate of wages by certain means, and where these things are done as subsequent acts of conspiracy, the doing of these things is made a part of the crime charged. In that second conspiracy, the things stated, are, sending letters, invading houses, assailing and murdering. These are all comprehended in that second major. The minor charges specific acts of all those kinds, and so far is covered by the major. But it is very important to know, whether under that major there is a relevant minor, and whether the prisoners are, or not, substantively accused of the perpetration of those acts. If it is not intended to charge them with these, I state no farther objection to this point; but if it is, I object to this major proposition as being a mode not known in the law, of charging persons accused with fire-raising, and with murder. The prisoners are entitled to know what the crimes are with which they are charged, and they are entitled to have them set forth in the known terms of law. A prisoner is entitled to have clearly before him the crime with which he is charged. He must know not only particular acts, but he must know to what effect they are charged against him. He must know whether they are intended to convict him of conspiracy only, or of conspiracy and something else, whether of wilful fire-raising, or of invading houses, or of sending threatening letters, and I submit, that in charging a party substantively, with doing any of these acts, it will not do to bring it under the allegation of a conspiracy. The Lord Advocate says, that in regard to murder, there is another mode of charging substantively. But still this indictment contains charges of fire-raising, of invading houses, and so on, in separate majors, and where there are not corresponding minors. Take the second conspiracy, a conspiracy to set fire to Hussey's Mill, and to raise the rate of wages thereby. It is completed by this crime of conspiracy; but after stating that they conspired to do that, it goes on to state, that the prisoners hired a man to do

it, and he did it. Now, I want to know, are the prisoners charged with attempting to set fire to it or not. If it is intended to charge them with setting fire to it, there is no major, according to the known form of proceeding, by which they are charged with this. The Prosecutor is bound to set forth that, as a separate subsequent major proposition, and it will not do to bring in as an accessory circumstance of a conspiracy, that which is a separate offence of itself, and intended to charge the party with that offence.

The SOLICITOR-GENERAL—(interrupting Mr. McNeil)—There is a major generally for murder; and under that major it is perfectly competent to introduce a minor, stating that the murder was committed in one way or in another way. This indictment does contain a statement, that murder was committed in two different ways, one or other. It states first that the murder was committed, that there was a conspiracy, a hiring in a certain place, of M'Lean, to go and perpetrate that murder.

Mr. McNEIL resumed—Supposing that the separate charge of murder was quite out of the minor altogether; but there had stood a major charge of conspiracy, and a major charge of murder, I apprehend that, under that proposition, this statement of murder at page 30, is a relevant minor for that major, and the Prosecutor would be entitled to prove that the murder was committed in the manner there set forth. But the two ways in which the murder is stated to be committed, are quite different in themselves. On the first occasion where the Prosecutor states the murder, he states, that these parties having conspired in a certain place, hired M'Lean, and sent him away to commit it; and he did so at a certain time and place. In the other part of the indictment, where he charges murder again, the charge is, that these parties themselves, not by hiring, not by the machinery stated in the earlier part of the indictment, went themselves, and murdered the man. In a charge of murder, it is necessary for the Prosecutor to set forth the particular mode in which it was committed; and if he chooses to be specific as to the mode, he must prove that it was committed as described. He may describe that it was committed in one way or another if he chooses; but he cannot state that it was committed *one way, and also in another*. This is inconsistent. He may state that it was committed in one way, or *otherwise* in another way; but not in one way, as also in another way. This is what the Public Prosecutor has said here. Now, although it is quite true, that, in the major proposition, the Prosecutor is right to state charges of conspiracy, and murder as part of it—"you are guilty of both, or of one or other of these crimes"—and though it may be true, he must state, that the murderer in one way or other committed it. He cannot, in the face of the same indictment, state, that the murder was committed in one way, *as also* in another. Whatever may be the mode in a neighbouring country, that is not the mode here. The thing must be consistent in itself. The statement here given us is, that the secret committee and the accused did, within a certain apartment, hire M'Lean for £20 to perpetrate the deed; but the statement at page 33 is totally different. It is, that these accused persons having, of themselves, from malice and ill-will, resolved to commit the deed, did commit it, all of them, or one or more of them. This is charging them *all* with doing it, or charging one or other of them. It is not themselves and the secret committee, it is those persons themselves furnishing themselves with arms, did all and each of them do so and so. This is totally different from the other. If both of these are held to be charges of murder, falling within the major proposition, I ask if the Prosecutor was entitled to state them as he has done? The objection here is, that he has described the deed as committed in two different ways, both of which can-

not be true; and that he states the matter as copulative, and not alternative. The same observations apply to the sending threatening letters; it is the same argument, and I will not go over it again.

There are some objections that go to other special parts of the indictment. The major proposition states, that there was a legal conspiracy of workmen to keep up the wages. The essence of the leading part of the conspiracy is to raise and keep up the wages. The other things are the means and intent; and I apprehend that every conspiracy set forth in this indictment under this particular major, must be stated, and articulately in words, to be a conspiracy to raise or keep up the rate of wages, and by the means and with the intent to raise or keep up the rate of wages; accordingly, it says, "that the persons who conspired in June, did conspire, confederate, and agree together, to force and compel, or endeavour to force and compel their late employers, the masters or managers of said cotton mills, to re-employ or re-engage them, and the other members of the said unlawful Association." Then it describes the means used to advance this conspiracy in June to keep up the rate of wages. It would not be enough to say, that they conspired to burn a mill, unless it is said that they conspired to keep up the rate of wages, by burning a mill. Up to page 9; there is no charge of any definite conspiracy. It is stated that the Association existed, struck, and resolved to do certain things; but it is not stated to be any conspiracy: it is an occasional thing,—not a conspiracy always when in a state of strike, but occasionally a conspiracy. It is not until it conspires that it comes under the major proposition. At page 9 it is stated, that Hunter, Hackett, McNeil, Gibb, and McLean, did conspire, confederate, and agree together, &c. Then it says, that, in furtherance of this object, they did certain things. It was incumbent on the Public Prosecutor to say, that they conspired illegally to keep up the rate of wages. It is the leading characteristic of the conspiracy, it is essential to keep up the rate of wages by certain means, and with a certain intent; and to bring it within the major proposition, it should be said that they did so by doing certain things; but it does not say that they conspired to raise and keep up the rate of wages, but to attack cotton spinners, and they did certain things: so, in regard to the second conspiracy—to set fire to Hussey's mill, it is not said that they conspired to raise and keep up the price of wages; but that they conspired to set fire to the cotton mill or factory. Now, this forms a striking contrast to the third conspiracy, which is distinctly stated to be a conspiracy to raise and keep up the rate of wages. The other two conspiracies are not stated to be conspiracies to raise and keep up the rate of wages, and are not conspiracies of the kind described in the major.

Again, the indictment commences with the history and character of the Association, and the Public Prosecutor is entitled to prove its history and character generally, as introductory to certain specific things done by the Association; but the specific things he charges must be things charged as done by the Association, or in concert with the Association. If he does not charge the specific things as things done by the Association, or in association with it, he is not entitled to set forth the general history and character of the Association. When we come to the conspiracies stated, they are not said to be conspiracies of the Association. The Association is said to have comprehended all the operative cotton spinners in Glasgow. Then it is said, that after the strike in April, certain particular members of that Association conspired to do certain things. It does not say that the Association generally conspired to do these things, or that the Association had any thing to do with the conspiracy at page 8. It states that, in the month of April, a conspiracy was formed; while as yet it is no con-

spiracy. The Association may have done all these things, but what is done afterwards? Is the conspiracy a conspiracy by the Association, or by persons who may be members of the Association; yet not taking the Association along with them, they did conspire to do certain things, (and the particular members are stated who conspired,) that the prisoners, in concert with other members—20 members say—conspired to do certain things,—is that a statement that the Association itself has so conspired? It is not a statement that the Association itself, which had made the strike, did so, but that those particular persons, in concert with others, did conspire to do these things. So also, in regard to the second conspiracy, it is said, that the prisoners, in concert with certain persons, some of them different individuals, did so and so. It does not say that the Association conspired or resolved to do it, or asked them to do what they did. So also, in reference to the third conspiracy, the prisoners, in concert with those persons, resolved to do those things.

Now, there is another objection which relates to the detail in which the first conspiracy is set forth. It states (page 10) that a guard committee was appointed for the purpose of watching, by members of the said unlawful Association, under the orders and direction of the guard committee. It says, that "the guard committee, in pursuance of the object and purpose of its appointment, did choose and appoint a number of the members of the said unlawful Association to be guards, for the purpose of watching, in separate bodies, certain of the said cotton mills," &c. And then it is said, that the said guards did beset certain places, and maltreated and assaulted certain people. All this limits the purposes of the Association in regard to watching by members of the Association, and not only limits the purposes, but it limits the general system of its acting. The purpose of the guard committee was to appoint members of the Association, and members only, to be guards. The general statement is, that they did appoint members of the Association. But here it says, that these people, "being all, or one, or more of them, members of the said unlawful Association," acted as guards. Under this it may be that some of these persons are not members of the Association. But, further, it says, that these persons acted as guards: but it does not say that these persons were appointed by the persons appointed to choose the guards. It goes on to state, that the guards (some of whom are not necessarily members of the Association) "beset the said cotton mill or factory, and the approaches to it, by themselves, and by great numbers of disorderly persons under their orders or direction, or abetted and encouraged by them." "Disorderly persons!" that is, persons not members of the Association, and not appointed by the guard committee. This indictment, therefore, I apprehend, cannot be found relevant. I am aware of the difficulty of preparing an indictment of such an extensive and complicated nature as this one is; but this is no excuse for the Public Prosecutor, who has not limited himself to the charge of murder or conspiracy, but has gone into an immense number of charges which there was no necessity for doing.

The LORD JUSTICE CLERK, after consulting with the other Judges, said, I have to state, in regard to part of the observations made by Mr. McNeil on the indictment, and the criticisms passed on it, that the Court do not feel much difficulty in dealing with most of the objections raised; but we wish to hear some reply in regard to the double charge of murder.

The SOLICITOR-GENERAL answered,—There was here a charge of murder connected with an illegal conspiracy,—a conspiracy to raise and keep up the rate of wages, which was to be done by acts of violence. The hiring of McLean to murder Smith, was by Thomas Hunter, Peter Hackett, Richard McNeil, and James Gibb, as members of the secret committee.

The beginning of the alternative charge was, "as also the said Thomas Hunter," &c. The major proposition set forth the felonious motives of the conspiracy; and there was no such inconsistency between the two charges of murder, as to justify his learned friend in arguing that the Prosecutor was here attempting to make some charge in the minor in two separate ways, and that it was impossible that both could be true, and that one of them must be struck out of the indictment. He did not think there was any such inconsistency, because with the exception of the secret committee being left out of the case, the two charges of murder were the same. In the first charge, it was said the thing was done by the Association, operating through the committee; and then by the four other prisoners instigating M'Lean, and bribing and paying him for the same, and the other charge went on to say (dropping out the committee), "as also the said five prisoners, resolved to murder an Operative Cotton Spinner," and so forth. It was not here particularly stated, that the murder of Smith was done by the hand of M'Lean alone; but by those five parties acting art and part, which was not inconsistent with the act being done by the hand of M'Lean. Unless the two charges were incapable of being reconciled, his learned friend had no argument to support him. Between the two charges of murder, there was no inconsistency; for while the first charge alleged that the four prisoners hired M'Lean to assassinate Smith, the second charged the act as having been perpetrated by the whole five, or one or other of them, so that if the deed were brought home to M'Lean, that would bear out the second charge as well as the first, he being "one or other" of the five. Even in a technical point of view, there was no inconsistency. What was done by the "as also," except removing the instigation, and hiring from the secret committee, and throwing them directly on the five prisoners at the bar. Looking to the major proposition in the indictment, there were the charges of conspiracy, and writing of threatening letters, and then came the "as also," which had the same meaning as "otherwise;" and the subsumption was that the prisoners were guilty of committing all those crimes, or one or other of them. The words, "as also," were plainly equivalent to the words "or otherwise." Here then there was no inconsistency, for, taking the charge along with the first major, the copulative term "as also," was to be considered disjunctive, as well as copulative, and equivalent to "otherwise."

Mr. ROBERTSON replied,—Looking at this minor as it stood, he would submit that it was perfectly clear—that it was a minor proposition, setting forth that the murder was committed by the hands of M'Lean alone, that person having been hired and secured by a certain secret committee, with the concurrence of the prisoners at the bar, at a certain place, on a certain night. It was perfectly clear that under that charge the Prosecutor could not prove that Hunter, Hacket, M'Neil, or Gibb, were the hands that committed the murder; and taking the case as it stood, he could not prove that any other but M'Lean committed that act. If Hacket had done it, it would be inconsistent with the charge, because Hacket hired M'Lean to do it, and he proceeded to the place, and actually fired and shot this man Smith; and it was quite as inconsistent to prove that Hacket did it, as to prove that Smith was shot at in another place, and in another manner, or that he was killed by poison, or by any other means used. Look now at the other charge, on page 33, "as also the said Thomas Hunter," &c. They agreed together, not with any secret committee. He (Mr. R.) dealt with this as two minor charges of murder, which were not inconsistent. Was he to be told that the Public Prosecutor was to introduce "as also," or "otherwise." If he was entitled to read the words "or otherwise," "as also." The Prosecutor was entitled to charge al-

ternately, either with the one or the other, where they were disjunctive or separate, but he was not entitled to charge the crime as committed as a copulative charge. The Prosecutor said he was entitled to establish the first charge to the first major of the conspiracy. If that were so, he (Mr. R.) was not on his trial for murder. Let the Prosecutor be consistent. If he said that the charge of conspiracy did not involve the murder, then he (Mr. R.) was not on his trial for murder at all, under that charge. Under the conspiracy they could not be found guilty of murder; and if the facts proved in page 30 of the indictment, amounted to murder by the hands of M'Lean, the moment that this was competent and relevant matter in the face of this indictment, apart from the conspiracy, and under the general in the major, then he would say, that page 33 must go out. To prove that the murder was done by M'Lean, was inconsistent with the statement that it was done by another person. That was the objection.

The LORD JUSTICE CLERK said, he trusted the Court would not differ in regard to the view he would submit to them in a few words. He was decidedly of opinion, that from the middle of the 30th page, beginning with "likeas," and ending with the words, "to raise or keep up the rate of wages," in page 32, there was a distinct, clear, and articulate charge of murder before their Lordships. It might be introduced or not, by saying, that these parties were members of the Association, and engaged in a conspiracy; but it was distinctly said, that these pannels, with the aid and assistance of this secret committee, hired and instigated this person, and the mode of proceeding was by furnishing him with loaded fire-arms, which he afterwards discharged, and mortally wounded John Smith. There was a distinct statement, that the four prisoners, along with this man, did take these measures that were set forth in the accomplishment of this act; and it was stated in the indictment, that they were guilty of all, or of one or more of the said crimes, art and part. He (Lord Justice Clerk) was clear, supposing what was here set forth to be proved by competent and satisfactory evidence, that there was in that part of the indictment matter to sustain the charge of murder, and it was wholly superfluous to introduce this charge of murder afterwards. He thought it his duty to say, that there was considerable force due to the observation as to the necessity, if it were meant to state that the murder was committed in a different way, to have introduced it as an alternative charge. It was quite sufficient for him to state, that he thought this part of the indictment was not necessary for the ends of justice, as from page 30 to 32 there was a complete and relevant statement of fact, which if proved would go to establish the charge of murder.

LORD MACKENZIE agreed with the Lord Justice Clerk, that it was not necessary in the indictment to state the same facts twice. His Lordship spoke in so low a tone, that the Reporter could catch only the substance of his remarks.

LORD MONCRIEFF concurred with their Lordships in thinking there was a clear specific charge of murder from page 30 to page 32,—a charge of murder which implicated the whole five prisoners, because it was a charge that they were the persons that hired and employed M'Lean to perpetrate the murder, and that he did so. This being the case, he (Lord M.) agreed with their Lordships, that it was not necessary to go into the second charge. It was said to be inconsistent with the other. It was unnecessary to go into that question, but he would state that he saw no inconsistency in the two charges. The real meaning was, that the act was done by M'Lean, but that the rest were art and part in it, in so far as they hired him to do it.

LORD COCKBURN said he was of the same opinion. The second charge

was to be considered now as not in the indictment, but withdrawn. He was bound to state, that it was new to him to hear that "as also," "or otherwise," could be made "or otherwise," or "as also."

The second charge of murder was then withdrawn, and with this exception the indictment was held relevant.

A Jury were then impanelled, the prisoners' Counsel, in the course of the balloting, having objected to 26 Jurors sitting on the Trial.

#### JURORS.

John Clark, Grocer, Edinburgh.

Smith Ferguson, Silk Mercer, James'-square, there.

John Ritchie, Merchant there.

Matthew Frier, Baker there.

George Oxley, Hatter, Canongate, there.

Thomas Stevenson, Bruemmaker, South College-street, there.

David Ridpath, Confectioner, Nicolson-street, there.

Henry Lediard, Viewfield Cottage, county of Edinburgh.

William Smith, Agent, Martin-street, Leith.

William Burton, Wright, Colinton.

Alexander Stoddart, Farmer, Ingliston Mains.

Robert White, Meal-dealer, Bathgate.

John Graham, Farmer, Whitburn,

Robert Martin, Grocer, East Calder.

George Bayne, Merchant, Dunbar.

The Jury being sworn by the Clerk of Court to return a true verdict according to the evidence to be laid before them, the Crown Counsel proceeded to call Witnesses.



# TRADES' EDITION

OF THE

## COTTON SPINNERS'

### TRIAL,

WARRANTED TO BE THE ONLY *VERBATIM* AND ACCURATE REPORT OF THE WHOLE PROCEEDINGS.

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*Note by the Committee.*—A full and accurate report of the whole proceedings will be published in Numbers, with the least delay possible. An abridgment of the indictment and debate on the relevancy ought to precede this Number, and will hereafter be published as No. 3, holding the present as No. 4. It has been thought advisable to proceed with the Examination of the Witnesses in the meantime, that the reader may learn the *facts* as early as possible. It is proper to state, that the Jury, after a trial of nine days, found only three charges proven, viz. 1st, Conspiracy to keep up the rate of wages. 2d, Disturbances at Oakbank Factory; and 3d, Molestation at Mile-End Factory, and that, by a majority of ONLY ONE vote. The other charges in the indictment, viz. the appointment of a "secret committee" to do unlawful acts—attempting to set fire to houses and factories—invading dwelling-houses of, and assaulting "Nobs"—writing and sending threatening letters, and murdering John Smith, were found Not Proven by the UNANIMOUS voice of the Jury. The stigma attempted to be fixed on Trades' Unions generally, by alleging fire-raising, threatening to assassinate Masters, and murdering Operatives, has thus not only been wiped away, but disproved,—so far as Trades' Unions in general were arraigned, therefore, they stand entirely acquitted by the *unanimous* verdict of the Jury. The Prisoners were sentenced to seven years' transportation. The *first* and *second* Nos. of the Trial, containing the nature of the charges as given in the former indictment, with the Debate on the Relevancy, are on sale at the office of the publisher, H. ROBINSON & Co. No. 7, Brunswick-Place, Glasgow. The Committee are in the course of endeavouring to obtain *correct* Likenesses of the Prisoners, and which will accompany one of the Nos. provided this can be accomplished.

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No. 4.



# HIGH COURT OF JUSTICIARY, EDINBURGH,

*Wednesday, 3d January, 1838.*

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PRESENT,

THE LORD JUSTICE CLERK,  
AND LORDS MACKENZIE, MONCRIEFF, AND COCKBURN.

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## WITNESSES FOR THE PROSECUTION.

GEORGE SALMOND (Examined by Mr. SHAW STEWART)—Are you procurator-fiscal for the county of Lanark? Yes.

Were you present when any of these prisoners emitted their judicial declarations? Yes, I was.

There are two declarations by the pannel Hunter? Yes, signed by two witnesses, not by me, though I was present.

There are two by Hacket? Yes: emitted by him freely and voluntarily, in his sound and sober senses.

There are three declarations by Richard M'Neil? Yes: emitted by him freely and voluntarily, in his sound and sober senses.

Two by the pannel Gibb? Yes: emitted by him freely and voluntarily, in his sound and sober senses.

Two by the pannel M'Lean? Yes: emitted by him freely and voluntarily, in his sound and sober senses.

WALTER MOIR, sheriff-substitute of Lanarkshire at Glasgow, was called, and corroborated the evidence given by Mr. Salmond, in regard to the declarations emitted by the five prisoners, Hunter, Hacket, M'Neil, Gibb, and M'Lean; but stated that there was one by M'Lean that was emitted freely and voluntarily in his presence, he not being present when the second was taken.

(By Mr. SHAW STEWART)—Did you visit Smith before he died? Yes.

Where did he die? In the Royal Infirmary, Glasgow, on Sunday, the 25th of July.

Is that the deposition of Smith? (shewing witness No. 33 of inventory) Yes.

Was he in sound and sober senses at the time? The man was perfectly distinct in his answers, although in agony.

(By the Court)—Was Smith aware he was dying? Perfectly aware.

[All the articles produced were then admitted by the pannels' Counsel to be those referred to in the declaration.]

GEORGE SALMOND, recalled—(Examined by Mr. SHAW STEWART)—Were you present when these prisoners, or any of them, were apprehended? Yes, the whole prisoners, except M'Lean.

Where were they apprehended? In the house of William Smith, Black Boy Close, Gallowgate-street, Glasgow.

Who was in company with you at the time? Sheriff Alison, Mr. Nish, Captain Millar, Superintendent of the Glasgow Police, and a number of police officers.

What occurred as you approached the house, and went into it? About the entrance of the close there were a number of people like operative cotton spin-

ners; the Sheriff, with Captain Millar and Mr. Nish, had been before me to make the seizure, and when I went in the Sheriff had gone up a small wooden stair with Captain Millar, and when I went up I found they were at a loss to find where the room was.

You at last discovered the room? I was, I think, the first that entered it: the prisoner Hunter was sitting in a chair at the end of a table; his back was to me as I entered the door: I asked him if he was the presses—he said yes: the prisoner Hacket was near the upper end of the table, but at the side: I think Gibb was lying on something like a sofa—he appeared to be asleep: M'Niel was not in the room, if I remember right, but he was got in some other room in the same house.

You did not see him apprehended? No; his wife was standing at the door of another room where he was.

Were there any other persons in the room with Hunter, Gibb, and Hacket? There might have been about six or seven more—one of them was called Murphey, I think.

Do you know the names of any of the others that were in the room? I forget their names: they were all understood afterwards to be members of the committee.

Were they all taken into custody? Yes, they were all taken into custody that were found in the room.

Was a search made of the room? Yes, a search was made of the room, and also of a large room called "the committee room."

What was found in the small room? There was some money found on Hacket's person.

Did you find it? Nish found it; I saw it found; I saw it taken from his person; it was £19 1s.: I think he said £19 belonged to the Association, and the 1s. was his own.

What did the money consist of? It consisted of so much bank notes: I took a note of it next morning: I put it in my day-book.

(By the Court).—Have you a memorandum of your day-book? Yes.

Well, you can look at it—what were the particulars of the sum? £19 altogether, consisting of notes and silver; and one shilling, which he claimed as his own.

(By Mr. SHAW STEWART).—You say the money was afterwards claimed from you? Yes, I delivered it up: it was claimed on the part of the Association.

Who claimed it? I think it was one John Trotter who got it.

Did you find any thing else in the room? We found in the small room some papers on the table: there was a book which was lying before Hacket: when I took it up, he made a sign as if it was his.

Did you search any other place? Yes, we went to the committee room, and there was an iron safe there; it stood loose on a wooden frame.

Was it locked? It was.

From whom did you get the key? Hacket, I think, gave it.

What was in the safe? Some books: there was a sort of wooden frame in it, in which there was a lockfast place, which had three locks, and required three different keys to open it.

Did you get any of these keys at the time? Yes, one from Hacket: I asked him if he had the other two, and he said he did not know who had them.

Did you open it? It was forced open at the time.

What was found in it? We found a sort of minute, with a large red seal appended to it, with M'Niel's signature as secretary: there was one book, in particular, of a small size: there were two or three books, if I recollect.

Did you find any thing any where else? Yes, some large books—I cannot speak so specially to these: I saw various other books in the rooms at that time: all these I could identify—(witness identified No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6 of inventory)—there was a copy of the Bible (No. 7) in a drawer of a sort of desk which stood in the middle of the floor of the committee room,

which was locked, and forced open : No. 8, the minute with the seal, was found in the secret repository with the three locks.

Look at this—(No. 13)—do you know where it was got? It was given to me as found afterwards by Mr. Nish, I think : I think I made a mistake in mentioning the name Trotter—the name is John Parker.

The Association, you say, claimed the money through John Parker? Yes.

(By Mr. HANDYSIDE)—Did you find any printed papers in the room? Yes, in the same drawer—one of the drawers where we found the Bible lying.

Were there more copies of these papers than one? Yes.

Look at that (No 32) Yes, there were several copies of these.

As Fiscal of the county, was information given to you of a dwelling-house being attacked in the month of June or July last? There were more houses attacked than one.

Was there an attack on a house occupied by one Donaghey, a lodger? Yes, there was.

When did you receive the information? I should imagine about noon of the 1st of July.

Were the names given to you of persons accused? I immediately went to the spot, and precognosced in the neighbourhood.

Did you order a search for any particular individuals? Yes, for Thomas Riddle, one M'Manus, and one M'Caffie or Cokill, besides other three persons.

Did you succeed in apprehending any of these persons? No.

Did you report the precognition of this matter to the Crown Agent? Yes.

Do you know whether these persons, or any of them, were indicted to stand trial at Glasgow at the Circuit? Yes, Riddle, M'Manus, and M'Caffie or Cokill.

[Indictment of their trial for the invasion of the house of Donaghey, 30th June or 1st of July, was identified by witness.]

That was the matter that you inquired into? The same.

Look at this sentence—is that a sentence of fugitation or outlawry against them? Yes.

Were you present on that occasion? Yes.

[Witness said that Nos. 28 and 29 were the documents alluded to.]

Have you, as Fiscal, received any information since regarding any of these individuals? Yes.

What date was it? I cannot recollect just now, but it was within this month.

What did you do in consequence? I sent up notice to the authorities of Manchester, who apprehended Riddle, and he was brought down in charge of an officer; and is now in Glasgow jail, indicted to stand trial for the same offence at the next Circuit : I have seen the indictment.

Look at that tin canister (No. 38)—did you receive that tin canister from any person? Yes, from James Wood, a cotton spinner, residing in James-street, Bridgeton.

When did you receive it? An attack was reported to me : I went out to the spot to inquire, and he gave me this : it was about the 13th or 14th of July.

Did you take it to any tinsmith? Yes ; as soon as I got to Glasgow I went intending to inquire at every tinsmith : I shewed it the same night to John Ferguson, in Stockwell-street : it was the same night that I got the canister.

Look at this petition and complaint (No. 43 of inventory)—is that a petition at your instance, as Fiscal, against David Keddie? Yes.

Does it contain the record of the procedure at court? Yes.

What is the charge against the accused there? One of those complaints raised was under what is called Hume's act, 1825.

Was the person tried before the Sheriff? Yes ; he was found guilty after two or three adjournments.

Did any Agent attend on his behalf? Yes, Mr. Gemmill.

Is that the gentleman sitting here to-day? Yes.

After the Sheriff pronounced him guilty, what took place in Court? Mr. Gemmill proposed that sentence should be delayed. In order that the Sheriff might

be led to do so, he said he would use his influence to prevent the disturbances about the mills.

With whom was he to use his influence? He said with the Association of Cotton Spinners, and put an end to the intimidation complained of in this case.

Was sentence delayed in consequence? Yes, it was adjourned from day to day: at one time adjourned for a week, and latterly for two or three months.

(Cross-examined by Mr. ROBERTSON)—Was the Sheriff aware of this transaction? He was present.

Was it addressed to the Sheriff? Yes.

(By Mr. HANDYSIDE)—Are you aware whether a change took place after this arrangement was made in Court? Yes, I am certain of it—I saw it myself: at one of the factories—the Adelphi factory, I saw a gradual diminution in the numbers, and a cessation of the disturbances, so far as came under my notice.

Do you know a man of the name of John Sheriff, a shopman in the Arcade? Yes.

Had you occasion to make inquiry at him about selling pistol bullets? Yes.

Did you get from him two bullets? I did.

What did you do with them? It was shortly after Smith had been shot, and I gave them to the medical gentlemen who were to open his body.

(Shewing witness No. 33 of inventory)—were you present when that deposition was emitted? Yes, in the Infirmary.

Smith was sensible at the time? Quite so.

(By the Court)—He deliberately and candidly answered the questions? Yes. The Doctors brought back the bullets.

(By Mr. HANDYSIDE)—Did you receive a bullet from the Surgeons who examined the body? Yes (No 36), a flattened bullet; that is it in the box: I got it from Dr. Auchincloss, along with the report.

Were the two bullets you got from the person in the Arcade, and given to Dr. Auchincloss, precisely like these? Precisely like those I got from Sheriff, and gave to the Doctors; I have no doubt they gave me back the same, and I have no doubt yet but they are the same.

ANTHONY NISH, messenger-at-arms—(By Mr. HANDYSIDE)—Were you present when the second declaration of the prisoner M'Lean was emitted before Sheriff Alison on the 12th of August? I was present: I wrote it: it was freely and voluntarily emitted by him in his sound and sober senses.

Did you accompany Sheriff Alison, and Mr. Salmond, the Fiscal, when they went to apprehend the prisoners and others? Yes, in the Black Boy Tavern, Gallowgate.

How many of the prisoners did you find there? Four of them: all these, except M'Lean.

Did you search them? I did; I saw them searched.

Did you find any thing on Hacket? Yes, £19.

Any books and papers? Yes.

Was there a safe in the room? Not where they were sitting, but in an adjoining room.

How did you get access to the safe? I got the key from Hacket.

Did you find any box in the safe? Yes; it had three locks on it: I got the key of one lock from Hacket: he did not know who had the others, and I broke it open.

(Witness identified the articles found in the house identified by Mr. Salmond.)

Look at this letter—(shews witness letter No. 12 of inventory)—I do not speak to that.

Were you at the apprehension of M'Lean? No.

Did you search the house of Hacket? No, it was done by a man of the name of Cunningham.

Do you remember being desired to search for a person of the name of Rae? Yes.

From whom did you receive instructions to search? From Mr. Salmond.

‘You searched? Yes, unsuccessfully.

Did you also search for M<sup>r</sup> Manus and Cohill, and was unsuccessful? Yes.

ALEXANDER CUNNINGHAME, sheriff-officer—(Examined by Mr. HANDYSIDE).—Did you search the house of Peter Hacket? Yes.

Did you find any documents there? Yes.

Look at these letters. I found these (Nos. 9, 10, and 11 of inventory).

Look at that letter (No. 12 of inventory). I found that too.

Look at these (Nos. 13 and 14)—did you find these? Yes.

LORD ADVOCATE.—My Lords, from the nature of this charge, it has been difficult to obtain information. All the persons applied to are most unwilling to give evidence; and we require from your Lordships an assurance of protection for the witnesses we are to bring forward in support of the charge. This assurance they have previously had, but I believe it will be necessary to renew it. I wish that nothing that has been done should be unknown to my learned friends on the other side, and I wish them to be aware that this assurance was given, and I leave it to them to make any use of it they may think proper. I now proceed to call the witnesses.

Mr. D. M<sup>r</sup>NEIL.—I think it unnecessary to ask any questions of the Lord Advocate. I will take his Lordship’s statement as to what has been done.

LORD ADVOCATE.—I wish full assurance of protection to be continued to our witnesses after the trial.

Mr. PATRICK ROBERTSON.—We think that is quite right.

JAMES MOAT, cotton-spinner, being called,

Mr. JAMES ANDERSON said, there is an objection to the competency of this person’s evidence. The objection is this, that the witness received or was offered a reward for giving his evidence—a premium and reward. You may be aware that two rewards were offered, and I wish to call your Lordships’ attention to the terms in which these offers of reward are expressed—one by the Sheriff, the other by the Queen’s Most Excellent Majesty: one of £500, the other of £100. The placard offering the reward on the part of the Sheriff is in these terms:—“*Atrocious Murder*. Whereas, on the night of Saturday last, the 22d day of July curt., between the hours of eleven and twelve o’clock, John Smith, cotton-spinner, while peaceably passing along Clyde-street, Anderston, with his wife, on his return to his dwelling-house, was wickedly and maliciously fired at by an assassin, armed with a pistol, two balls from which entered the body of the said John Smith, and he immediately fell mortally wounded, and is since dead. And whereas, there is reason to believe, that this atrocious murder has been committed by one or other of the turn out cotton-spinners: and the master cotton-spinners of Glasgow being determined to use every means in their power to discover, and bring to condign punishment, the perpetrator of this cold-blooded murder, hereby offer a reward of five hundred pounds to any person or persons who will give such information to George Salmond, Esq. Procurator Fiscal, as will lead to the apprehension and conviction of the guilty party or his associates.—Glasgow, 24th July, 1837.”—The other reward is one in different terms from the authorities, introduced in the words:—“By authority of the Queen’s Most Excellent Majesty.—Whereas John Smith, cotton-spinner, was basely shot and wounded, in the streets of this city or suburbs, on the night of Saturday, the 22d of July last, of which wounds he has since died, and whereas there is reason to believe that many persons are privy or accessory to the said murder.—Notice is hereby given, that Lord John Russell will advise the grant of her Majesty’s most gracious pardon to any accomplice not being the person who actually fired the pistol, who shall give such information and evidence as shall lead to the discovery and conviction of the murderer or murderers of the said John Smith; and for the more effectual discovery of the said murderer or murderers, a reward of one hundred pounds is hereby offered by Lord John Russell, on behalf of her Majesty’s Government, to the person who shall give such information and evidence as shall lead to the discovery and conviction of the said murderer or murderers, in addition to the reward of five hundred pounds already offered at Glasgow. By authority of the Right Honourable Lord John

Russell.—A. Alison, Sheriff of Lanarkshire.—1st Aug. 1837.—“Now, I suppose it will not be disputed on the other side, that the Sheriff, in proclaiming this reward, had authority. You will see how the point stands. The authorities offer a reward to any person who will give such information as will lead to the discovery and conviction of the murderer or murderers. That comes clearly and distinctly under the objection, in the law of Scotland, that a reward promised to any person that will lead to the conviction of a murderer or murderers, must disqualify that witness. Some questions have arisen on this point. The Court has drawn a distinction between a reward offered by a private party and by the authorities. Your Lordships see that this reward is offered by the Crown to any person who shall give evidence that may lead to the murderer or murderers. The Crown being the party with whom we have to deal with here, I beg to draw your Lordships’ attention to the 2d vol. of Baron Hume, p. 64. The Crown, the party prosecuting, have offered a reward to any person that will give such information and evidence as will lead to the conviction of the persons guilty. Is that not rewarding or promising a reward to a person for giving evidence? I do not care whether the reward is given or not. It is just so much the worse if it is yet to be given,—if he has the promise of a reward in the event that his evidence shall tend to lead to the conviction of the party accused. He is not to get it for giving information or evidence, but in the event of discovery and conviction. I submit to your Lordships that this is a strong objection. I will put the case of a private prosecutor, the Crown not taking up the case; and suppose the private party injured offers the reward in the event of conviction, there could be no doubt, in such a case. If any distinction is to be drawn, it is that the Crown, being the prosecutor, offers the reward to the witness. And what has been the effect of this offer? It has been that different parties thinking they have been most instrumental in leading to the discovery of the perpetrator or perpetrators of this deed, have entered into a newspaper controversy as to which is entitled to the reward offered from the information given by them.

LORD ADVOCATE.—Do you state this as an objection to the evidence of Moat?

MR. ANDERSON.—Yes.

THE SOLICITOR-GENERAL.—I confess I am at a loss to understand why my learned friends have delayed their objection till this witness was called; because, if the objection occurs at all, it must occur to all the witnesses on the list. The objection comes in a curious shape, before *Moat* speaks at all. Unless they mean to object to every witness, they should allow *Moat* to be sworn; and when he touches on any thing as to the murder, then object.

MR. ROBERTSON.—I admit that the objection is premature.

SOLICITOR-GENERAL.—It is possible that questions may be put as to the murderer, and the objection may be raised; and as I think there is little in this objection itself, it may be as well now to discuss it. I shall give some more authority on the matter, and read what is stated by Alison, in his Criminal Law, vol. —, p. 492. Then Roscoe’s Digest of the Law of Evidence, p. 104. We adopt the same principle that the English court has adopted. The public interest is not to suffer by the act of a reward being offered. When it is necessary for the detection of crime to propose a reward, that cannot be held to disqualify a witness from giving evidence, although it may be a question that may turn out, from various circumstances, whether it may lead to the discredit of the witness in the course of his examination. Having read these authorities very fully, I shall not detain your Lordships with any more observations.

THE LORD ADVOCATE said, that according to the information he had received, instead of any one coming forward to give evidence, the remarkable feature in this case was, that a person was murdered in a public street in Glasgow, and that no person came forward to give information even in consequence of that reward. The witnesses they meant to examine, the idea of a reward never entered their minds. They are unwilling witnesses, in a great degree, coming forward, requiring protection. As to persons claiming this reward, it had never been mentioned



to him till that moment, and he did not think that a matter that ought rightly to occupy the attention of this Court.

Mr. P. ROBERTSON said, the question was whether this was a good objection or not. The reward offered was not one arising from the statute law of the land. If arising from a conviction under the statute, he did not mean to say that the legislature had passed such a statute as could stultify the effect of their own enactment. The speciality of this case was, that it was not a promise of a reward payable on conviction; but the promise of a reward to the persons who would give such information and evidence as would lead to the discovery and conviction of the murderer. The witness, therefore, at the time he was giving evidence, was earning a reward payable on conviction. Here is a distinct offer for the evidence to be given, and there is no case in which an offer of this kind is tendered for evidence, and this is a peculiar offer flowing directly from the Prosecutor for giving that evidence, in which a witness' testimony can be received, being a direct offer of reward for that evidence which is to lead to the conviction.

Lord MACKENZIE said, it was impossible to sustain the objection; but his Lordship spoke in so low a tone, that the grounds of his repelling it were inaudible to the reporter.

Lord MONCRIEFF said, that it was a principle in the law of Scotland to be exceedingly cautious in regard to witnesses brought forward over whom there did hang an interest to speak in a certain way; but that principle would bring the law into absurdity if applied to the witnesses in such circumstances as those now described. If persons such as these could not be examined, because of such a reward for the detection of the murderer being offered, the statute would be absurd, and the law which applied such a principle would be equally absurd. The witness had made the discovery in the first place, and given the information which might lead to the discovery of the crime, and then gave evidence that might lead to conviction. Much was rested on those particular words, to give evidence that might lead to conviction; but they were one and the same thing. It would be impossible for the Crown to offer a reward for the discovery of the perpetration of the most atrocious deeds, if such principle was to be applied. No atrocious deed was committed, but some such reward was offered, directed by the Crown or the authorities; and it had never been the law in this country that that was an objection to the testimony of a witness. It was material in this question, that if such a principle was established after an advertisement, it would be impossible that the perpetrators of those dreadful crimes of murder that occurred could ever be brought to justice at all. It was entirely different from a private offer of reward, which was offered secretly and offered to one individually, and had no reference at all to the general principle.

Lord COCKBURN said, that he was clearly of opinion that the objection could not be sustained. The matter was settled already by the institutions of the country; and if it were not, he would undoubtedly say, that on general principles such an objection could not be sustained as to the admissibility of a witness. If it were sustained, the uniform and inevitable result would be, that whenever government offered a reward for the detection of crime, by that very act the crime could not be detected. The instant the Prosecutor offered the reward, he disqualified his first, second, and all the rest of his witnesses. The act of offering a reward for the detection, would cover up that crime for ever from detection. Agreeably to the principles laid down here and in England, the necessities of public justice required that no such objection could be sustained. The reward was given for discovery and conviction, it was said: there was nothing in that at all. It was not a bribe for speaking falsehood, that might lead to a conviction by unjust means;—it was a reward for speaking truth: for example, if a witness was to be convicted of perjury, he would not be entitled to reward. It was a fair, honest reward given for a public object, for the discovery of truth.

The LORD JUSTICE CLERK was clearly of opinion that the objection must be repelled. It would be left, of course, to the consideration of the Jury what impression might be made on their minds in regard to the credibility of the evidence

given by a witness under such circumstances; but the objections to the admissibility of that witness must be repelled.

JAMES MOAT being called in and sworn,

Lord MONCRIEFF said—We have been informed of the circumstance of your being first examined in this cause. It is thought proper to assure you of the protection of the law in any evidence you will give. We renew to you the assurance, that the law will stretch to you the strongest arm in consequence.

(By the SOLICITOR-GENERAL).—You are a cotton spinner? Yes.

You have been so for a considerable time? Yes.

How many years? I dare say more than 15 years.

Do you belong to the Association of Operative Cotton Spinners? Yes.

When did you enter it? Upwards of 20 years since I was first initiated.

And what was first done when you were first initiated? I was taken to a public house, and there sworn.

What was the import generally of the oath you took? To conceal the proceedings of the Association.

Any thing else? That was the import; I do not recollect particulars.

Any thing about the resolutions of the majority? I was sworn to stand by the resolutions of the majority.

Do you know that the oath is continued to be administered? Yes; I believe it has been all along since I continued to be a member. I had not been a member for three years. I did not pay for three years.

(By the Court).—When you did not, you ceased to be a member? Yes.

(By SOLICITOR-GENERAL).—At what time was this interval? It was commenced in 1826, and, as far as I remember, I did not pay for three years. I joined them again about 1829 or 1830.

Have you seen others sworn since you were first initiated? Yes.

Have you seen any since 1830? No.

Do you know it is the rule of the Association to swear? As far as my information goes, it is a rule.

Were you a member of any of the committees? Yes.

What committee? I was a member of the finance committee.

At what time? About 1822 or 1823.

Were you ever a member of a committee called the supply committee? It was a committee put into existence on a particular occasion. At the last strike there was this particular committee—the supply committee.

How many committees of management are there when there is no strike? When all things are right, there is one standing committee to manage the whole concerns; but sometimes particular committees are put into existence to manage special purposes.

When a strike occurs, what has been the practice of the Association? What committees are brought into existence when there is a strike? In 1824, at the end of harvest, a general strike took place then, and the supply committee was put into existence; and when this last strike took place, a committee of the same kind was put into existence also.

When did this strike take place? It commenced in the beginning of April, 1837, to the best of my recollection.

You mentioned a strike in 1824, and a supply committee then appointed, different from the finance committee? The finance committee in the last strike merged in with the supply.

What was the purpose of the supply committee in 1824? As far as my knowledge reaches, the chief design of that committee was to get supplies of money for the members.

Do you give alimony money to members of the Association out of work when there is a strike? Yes.

Is the alimony under the direction and superintendence of the supply committee? Yes.

That is one of their objects? Yes.

If any other expedient is necessary, does the supply committee manage that too? The supply committee managed that, so far as I remember.

Was any committee appointed after the supply committee, on the occasion of this committee? Yes.

Was a secret committee appointed in 1824? I do not recollect.

Before the last strike, have you known of any secret committee being appointed? Yes.

What was done on the occasion of the strike in 1824? Were any other committees appointed? There was a secret committee in existence at the commencement of the strike in 1824, so far as my knowledge reaches.

How was it appointed? The secret committee was appointed by district committees.

What were these? There were three districts in which the various works were situated: for each of these, 4 men were chosen; and of these 12 men, 3 of a secret committee were chosen.

How were these 3 chosen out of the 12? The individual who was director of the trade, nominated the 3 that were to fulfil the duties of the secret committee. [He named them over.]

Who do you call the director of the trade? The president that was formerly in office: he was president of the whole committees.

How is the president himself appointed? I could not say. I only give this information from what I saw myself. I could not say who appointed the first committee; but I saw this president appoint the 3 men. I was a member of the finance committee in 1822 or 1823, and I always understood that the same rule had been followed afterwards.

The secret committee consisted of 3? Yes, at that time.

I want to know how these 3 were chosen. You said there were 12 delegates returned from the different districts, and 3 of these made the secret committee; how were these three selected in 1822 and 1823? I was in the finance committee, and we all met together; the whole 12, and those in office before us, were present with us, and we received the funds; and he that was president, then and there nominated the 3 individuals from among the new ones that were to fulfil the office of the secret committee.

You call them a secret committee; were their names revealed to the trade? No.

They were known only to those who saw them nominated? Yes.

And you were all sworn to secrecy? Yes; to conceal these individuals.

How were they named? Were they just named by the individual? He just said this,—you the director, you the treasurer, and you the clerk.

Did you ever see the secret committee named at any other time before 1837? I never saw it till afterwards; but I heard a new method proposed in 1837, that differed a little from it.

When was the change proposed? I do not recollect of hearing it proposed till then.

When did you hear it proposed? The last night I was with the supply committees.

What was the mode proposed then? The delegates of each work were enjoined to bring in a name from each shop, and these were to be put into a hat, and the supply committee were to choose out of these individuals the persons who were to be put into the office of the secret committee.

Who was to draw the names out of the hat? I understood it to be some of the supply committee.

Do you recollect when one Cairney was burned with vitriol? Yes.

When was that? I do not recollect the particular year but so far as I do remember, I consider it was about 1822 or 1823.

Were you a member of the finance committee at that time? I was a member after that action was done.

Shortly after? Some time elapsed; months, I think.

Within a year after that was done? I think it was.

Do you recollect any payment made by the finance committee connected with that matter? I recollect that when I was a member of this committee, a number of the individuals composing the whole committees were opposed to violence of that description, and they enjoined the district committee to which I belonged to tell those who had got the alimant in consequence of this action, to tell them that they had got it for God's sake. I felt much in consequence of the individuals getting the alimant for such a deed.

What do you mean by—that "they got it for God's sake?" It was, that they received it, but that they had no right to it in the opinion of those individuals that composed the committee.

What was the amount of the alimant paid them? The general rule for all men is, that they should receive 12s. a-week for a twelvemonth; and those individuals, so far as I recollect, received 12s. a-week for a twelvemonth.

Was that allowance of 12s. given to every man out of work, or did certain services? Individuals who did these kinds of services, and the others, got themselves placed on alimant, I understood.

Was there any other person at that time got alimant to that amount? There were persons receiving alimant at the same time, who had been active in accelerating the interests of the trade.

But the alimant was always given for service of some kind or other? Yes, so far as I know.

Was any alimant given to operatives in the strike merely because they struck? When a partial strike took place,—when one shop turned out, and did not come to an agreement with the master, they were put on alimant, and got 12s. in the week:—unmarried men, 10s.; a married man, 12s.; to the best of my recollection.

There was some alimant paid on account of that matter of Cairney; to whom was it paid? Patrick Millan, and a lad of the name of Macdonald, and I think another of the name of Kean.

What was the ground on which these particular men received their alimant? I understood, from the declaration of the committee, that they had received it on account of their connexion with the burning of the young man with vitriol.

I understand you to say, that these three men did not receive alimant on account of work, but in consequence of this action to Cairney? The opinion current in the committee was, that they had received it in consequence of their connexion with that business. I do not know whether they were out of work or not, and it was because the committee had that opinion, and were averse to acts of violence, I sent to inform those people that they got the alimant for God's sake, and not as matter of right.

In point of fact, was the alimant continued to these persons or not? Yes.

Come to the strike of 1837; were you a member of the finance committee at that time? I was a member of the supply committee.

When did the strike take place? The beginning of April, to the best of my recollection.

In the course of that strike, was any other committee appointed besides the supply committee? The supply committee was the first appointed; and in the supply committee the finance committee merged.

Was any other committee named during the strike? At the commencement of the strike, when I was in the supply committee, I was not well in my health; and, besides, I was reluctant that the strike took place: in consequence, I did not attend very regularly for a while, and one or two committees were put into existence that I did not see appointed; but there was a guard committee in existence.

When did it come into existence? I was not present at that meeting, but I understood that it came to act at the commencement of the strike.

What was the duty of the guard committee? I saw two of the individuals composing that committee, and they said they had been away reasoning with the nob: this I understood to be true: but I understood that their chief design was to manage the guards placed on the different mills.

Who were the two members of the guard committee that you spoke with? John Trotter, I think, and the name of the other I do not recollect.

Was it Arthur or Morrison? I do not remember.

(By the Court).—Have you seen them acting along with the rest of the guard committee? No; but I understood, from what they said, that they belonged to that committee.

(By the SOLICITOR-GENERAL).—Why were the guards put on the different mills? From the invariable practice that went on for a considerable time, I would say, that the design was to observe the men who worked, and when occasion offered, to reason with the individuals who had gone into work at reduced prices, or occasionally to threaten or commit violence upon them.

Those men who wrought at reduced prices you call nobes? Yes.

It was the business of the guard committee to superintend these guards, and see that they performed their duty? I understood that to be their chief design.

Were the members of the Association bound to act as guards when required? They were subjected in a fine, so far as I saw, if they objected to perform what was conceived to be a duty.

Was it the duty of the members of the Association to act as guards when required by the guard committee? Yes.

Who were members of the supply committee at this time along with you? To the best of my recollection, Angus Campbell, Richard M'Neil the prisoner, James Munro, Robert Greenhill, John M'Caffie, a man of the name of Sideserff, and Hunter the prisoner, and James Gibb the prisoner; there was also a John Bunyan: the finance committee merged at that time into the committee of supply; Peter Hacket was also a member.

And then they became members of the supply committee, of course? I understood so; there was another individual of the name of Gallogen, and a Henry Dunn.

(Shewing witness No. 8 of the productions).—Do you know that? Is that the seal of the Association? Yes; the stamp of the Association.

Do you see the name of Richard M'Neil there? Yes, as having been secretary.

Do you know the handwriting of that? I cannot say as to the handwrite.

Is that M'Neil's signature? It is his name; I could not say as to his write.

(By the Court).—You mean that you are not acquainted with his handwriting? Not particularly.

(By the SOLICITOR-GENERAL).—You cannot say that that is his handwriting? No.

Had the prisoner, Thomas Hunter, any office in the Association at this time? He was president of the supply, I understood, when I was connected with it.

What was Hacket's office? To give an answer according to truth, I would say he was every thing.

Is that to say that he was the soul of the whole? He acted in all capacities at times.

Had M'Neil any office? Yes; I understood him to be secretary.

Had Gibb any office? Assistant secretary, and officiated in that capacity often. Who kept the cash? It was generally kept by Hacket and John Bunyan, as far as I saw, alternately.

Do you know the other prisoner, Maclean? Yes.

Was he a member of the Association? I believe he was.

Did you see him taking any part in the proceedings of it? No.

Can you give me any of the names of the guard committee? I had no acquaintance with that committee at all; I never was present at any meetings; I was not very well at that time, and did not attend very regularly.

Do you recollect of another committee proposed after the guard committee? I do.

What was the name? The secret committee.

When was that committee proposed? Perhaps six, seven, or eight weeks after the strike commenced in April last.

Do you recollect of a meeting in the Green of Glasgow in June? Yes; it was at that time that this secret committee was proposed.

That was a meeting of operatives? Yes; of the operatives of Glasgow generally.

What was the purpose? According to the announcement in the bill, it was to get immediate and permanent relief for the operatives, not the spinners only, but all the operatives of Glasgow.

It was the evening of that day that the proposal was made to appoint a secret committee? Yes; I was present that evening at a meeting of the committee of supply, and a select meeting of the Association.

Who attended that meeting of the Association in the evening? There was a meeting of select delegates to take place in William Smith's, Black-Boy Close, Gallowgate, that evening; there might have been about forty men or more present.

Had these delegates been called there? How were they brought there? The meeting had been called by the committee.

Did they call delegates from every shop? Yes.

And in consequence of that call there was a meeting of the delegates that evening along with the supply committee? Those who were in town; perhaps some were in the country.

You were at that meeting? I was.

And it was at that meeting that the secret committee was proposed? Yes.

What took place? Who was in the chair? James Gibb, the prisoner; and the proposal of the secret committee, as I understood from his language, was introduced to the notice of the meeting by the prisoner, Thomas Hunter.

As you understood from his language; what do you mean by that? His language was ambiguous, and contained what I would naturally call sophistry; but I understood, from what he said, that some more efficient mode should be taken, in order to gain the purposes of the Association.

You understood Hunter to propose that some more efficient means should be taken. Did he speak openly what these means were? No.

What style of language did he use? Was he cautious, and reserved, and intentionally ambiguous? He could not just come to the point of stating what a secret committee was; it was already understood by those who were any length of time in the Association.

Did he mention a secret committee? No, Hunter did not, that I recollect of.

Did any body move the secret committee directly to be appointed? A man of the name of John Davies, a member of the Association, and I understood him to be a delegate.

What was his motion? That a secret committee should be put into existence, so far as I can recollect: Hunter made a speech.

He did not move directly, but made a speech, the proposed purport of which was, that more efficient means should be taken to gain the purposes of the Association; and Davies moved the Association? Yes.

Was it seconded? It was seconded, but I do not recollect the name of the individual.

Did it carry? Nearly unanimously.

Who opposed it? A man of the name of M'Gowan: he said he considered it as disgraceful, and would have nothing to do with it.

Did any body else oppose it? I opposed it myself.

Did you oppose it on the same grounds? I said that so soon as a secret committee commenced work, instead of doing the Association good, it might raise a suspicion in the minds of the masters, and the consequence would be, that they would become more determined in opposing us than ever.

That was one of your arguments? Yes.

You mentioned that although neither Hunter nor any body else explained the purpose of a secret committee, yet that those in the trade knew what it was? All who had been any time in the trade, at least to my knowledge, knew what it was.

What was the design and object of this secret committee? From my knowledge of the affairs of the Association, and from what I have heard in their meetings, I would say its chief design was to destroy life and property.

Was that the ground on which you refused to go into the measure? Yes.

Did you state that ground at the meeting? I made use of several arguments. I stated before that they could never better their affairs by any such committee being put into existence.

Did you continue to attend the meetings of the committee after that night? Never after that night.

Did any body make any answer to meet your arguments and M'Gowan's? There was an objection attempted to be answered by one Nish. I said that the knowledge of natural rights existing in the country was such that if any deed were done, the Association would be blamed, and the whole of the thinking part of the community would be against us. He did not attempt to meet my argument with reason. In my humble opinion, he did not appear to understand it.

Did you state at that meeting that you considered it unjust to do any deed of violence? No, I did not argue on the ground of its injustice, but on the ground of inexpediency.

Why not? I would not have been listened to for a moment. They would have laughed at me had I spoken of the injustice of it.

After that you ceased to attend the meetings altogether? I did so.

Had you any conversation with James Gibb about this secret committee that night, or soon after? Not with James Gibb, but with M'Neil, on the way coming home that night. I argued again my objection, and he spoke against what I said; and he pointed out the bad conduct of Mr. Arthur, manager of the Adelphi Mill, and said he considered it was conduct so bad, that it would justify any measure that was resorted to by the Association.

Did he say any thing about peaceable measures—what might those measures be? I do not distinctly recollect.

Did he say how Arthur was to be dealt with? I cannot distinctly, on my oath, say whether he did so or not.

You do not remember any more of the conversation you had with him? He mentioned that Mr. Neil Thomson had left the country, and the cause of that was, he considered, fear on his part.

Who is Neil Thomson? The proprietor of the Adelphi Mill.

Fear of what? From what might be done by the spinners.

Arthur was manager of that shop? Yes.

Was that a mill that had struck work? Yes.

What did M'Neil infer from that? That the projected measure of the committee would be efficacious in intimidating the masters, and galping the purposes of the Association.

Did he mean to say that it would compel other masters to leave the country, or to force them into your terms? I understood so.

Had you any farther conversation on the subject with M'Neil? Not afterwards.

Did more pass than you have generally told us? I do not recollect distinctly.

Had you any conversation with Gibb before the secret committee was proposed? I saw Gibb before the meeting, and had some conversation with him after about the secret committee: I happened to meet him on the street; he called to me to come forward (several weeks after the secret committee was proposed), and mentioned that it had been reported to the supply committee that I had left the committee because I considered it would be no go—meaning the strike, I understood.

What did you say? I did say it would be no go, and that he knew, and the committee knew, and the trade knew my opinions respecting a secret committee, and that I would never have any thing to do with the Association so long as the secret committee was in existence.

Did any thing farther pass? He said there was nothing done yet. I said it was for the want of funds: he said it was: he said, seeing the way they had been

used by the masters, as I understood, he would be one of them himself now ; although he had been opposed to the secret committee at one time, he would himself become one of them.

Was this before the time that Smith was murdered ? Some time before Smith was murdered.

Do you know whether Gibb became one of the committee or not ? I could not say ; he said simply, that seeing the way we had been used, he would become one.

Had you any conversation with M'Lean about any thing ? No.

Can you tell us if the prisoners were at the meeting when the secret committee was proposed—was Hunter there ? Yes.

Was Hacket there ? He was in England at the time.

Was M'Lean there ? Yes.

Who more ? James Niah, Jack M'Caffie, Angus Campbell, a lad of the name of Gallacher, and a great many of the supply committee were present.

Was Bunyan there ? I think so.

Was Trotter there ? I could not say.

Was Sideserff there ? I could not say.

How long have the prisoners at the bar been members of the Association ? M'Neil has been but a short time, so far as I can recollect. Hunter longer than Hacket : they are about the oldest members of the Association.

Have Hunter and Hacket been members for years ? Yes.

Has M'Neil been a member for a long time ? I have only seen him for two or three years in their meetings.

Is it some time since you noticed Gibb ? Yes, as far as eight or nine years.

Do you know what they call a free line in the Association ? Yes, a certificate. When an individual left one mill, and went to another, there was a line sent in to the delegate meeting, stating the amount of his debt, or whether he was a clear member of the Association—that certificate was signed by three men of the particular work he was in.

Look at that (shewing witness No. 23 of productions)—who signs that certificate ? Hunter, Gibb, Hacket, and M'Neil.

Has it got any seal ? Yes, the stamp of the trade.

Is that an ordinary free line such as you were talking of ? No.

Was it the stamp of the trade ? It is a black stamp : it is sometimes done with ink and sometimes with wax.

What does that line say ? " Committee Room, 11th July, 1837.—This is to certify that William M'Lean is a clear man of the Glasgow Operative body of Cotton Spinners. He has always done his duty, and we recommend him to all our—"

(By the Court).—That is not the language of a free line ? No.

(By the SOLICITOR-GENERAL).—On what occasions is such a line as this granted ? The general rule respecting lines was this, that when an individual member left the shop, three clear members signed their names, simply saying whether he was free of the trade : that was sent into the committee, and they put the stamp on it.

What is this particular line ? It is an exception to the general rule : this is a line from the trade itself in favour of M'Lean ; it is from the Association itself.

Did they put a stamp on the lines of those members who were going to leave the country ? Yes, they sent them into the committee to be stamped there, and the committee sometimes put their names to them, when the members were going to leave the country.

They did not stamp the lines of an individual going from one shop to another ? No.

Look at that book (shewing witness No. 3 of inventory)—do you know that book ? I do.

Is that the debt-book ? Yes, the book in which the instalments of the members were set down, and their debts.



Do you see any statement there opposite to M'Lean's name? He is set down here 7s. 8d. in debt.

Do you know that that is M'Lean? Yes, I know.

What is the date of that? 1835.

Do you see another entry there—1836—what is the result of the entry? He is in debt. I consider, from what is set down, it will be 13s. 9d. January 2d, 1836, 13s. 9d. debtor there. Then it would appear he had left that work altogether on February 13th, 1836. It says that he has left the work where he contracted that debt.—On February 13th, 1836, the mill, No. 7, the number of Mr. Ewing's work, Mile-End; and he is down here 13s. 9d. in debt, having left that work in February, 1836. I understand the book in this way from seeing it before.

Do you observe a column of debt? Is that the column in which debt is stated? Yes.

There is debt at the head of that column? Yes.

Is that the column in which the amount of debt is stated? Yes.

Is it in that column where you find 13s. 9d. corresponding to M'Lean's name? Yes.

From finding 13s. 9d. in the column headed debt in the book, you consider that M'Lean is 13s. 9d. in debt to the Association? Certainly.

Look at this book (No. 6 of the inventory). This is a book kept by James Gibb.

Do you know Gibb's handwriting? Yes.

Do you see that minute, 15th June, 1837? Yes.

Is that in Gibb's handwriting? Yes, I believe it is.

Have you any doubt about it? I believe it to be Gibb's: that is the book Gibb kept.

Can you read us that minute? "Moved at a general meeting, by William Johnstone, and unanimously carried, that the name of every nob at present working in the districts they last wrought in, should be enrolled in a book, and at the end of the strike, unless a change in the list takes place, they be printed; but, at all events, the names of all remaining nobs, at the termination of the strike, shall be sent to all the districts in England, Scotland, and Ireland, and a persecuting committee be appointed to persecute them to the utmost."

You believe that to be in Gibb's handwriting, and in the book Gibb kept? Yes.

You see the certificate with the stamp, signed by Hunter, Gibb, Hackett, and M'Neil—how were they entitled to sign that line? I would "naturally consider" that M'Lean had done something to get the line from them.

Had they any particular office that entitled them to sign it? I would consider the secret committee gave him that line.

(Shews witness No. 5 of the inventory.) This is a book that was used in the supply committee, in which the daily expenses were set down: it was kept by James Munro.

It was not always in the same hand? Not always.

Do you observe an entry in the 7th line from the top of this page, "Expenses with nobs, £19"—is there any date at it? No.

What is the meaning of these numbers 41 and 20 in this column? These are the names of particular mills.

You cannot tell the date of that entry from the book, "Expenses with nobs"? No.

From your knowledge of the entries in these books, what do you understand to be the meaning of the entry £19 with nobs? They might incur such expenses by going to reason with them and give them drink, or by maltreating them, and paying this £19 to him who had done the deed.

You do not know how it could be stated thus, unless spent in drinking and reasoning with them, or as a reward for maltreating them? No.

Do you know these papers? (shews witness Nos. 13 and 14 of inventory.) They contain the fortnightly income and expenditure of the Association.

Do you know this book? (shows witness No. 4 of inventory.) That is the

aliment book; it shows the sum allowed for aliment: it was kept by Richard M'Neil.

Is that in his handwriting? Generally, I believe, it is: I have seen him writing in it.

(Cross-examined by Mr. D. M'NALL.)—The last meeting you attended was the meeting of delegates in the Gallowgate—that was the night when there was a meeting of operatives in the Green, and you were present at that meeting? Yes.

Was that meeting convened to hear an address from Dr. Taylor? Yes, I heard Dr. Taylor address the operatives.

And from that meeting you went to the finance meeting or supply committee? Yes.

At what time? It would be somewhere about 8 o'clock in the evening.

And you walked home with M'Neil about what time? I was not paying attention to hours.

Before 12 o'clock at night? I cannot say.

Do you remember what night it was? According to the best of my recollection, I would say it was Monday night.

You told us that the person who proposed the appointment of the secret committee was a person of the name of John Davies, and most of those present voted for it, and was opposed by you and M'Gowan—what was his first name? I do not recollect.

In what work was he? In Mr. Bogle's, I understand.

Is M'Gowan a distinct speaker? He did not rise to speak; he is not to say a clear distinct speaker, in the true sense of the word.

Some difficulty in his articulation? Yes.

What room was the meeting in? In the committee room.

They had a room called the committee room, a large room—is that the kitchen? It is a kitchen rather: used as a kitchen by the people that we pay.

It has a writing desk in the centre of it? Yes.

Do you know that a person of the name of Ross was there? Yes.

Do you know his first name? No.

What mill was he in? In the nursery mill, Mr. Sommerville's.

You mentioned something about the secret committee in 1822 and 1823, when Cairney was burned? Yes, it was a young man that was burned.

You said that three men of the names of Millan, M'Donald, and Kean, got aliment at that time, and you understood it to be for a concern at that time? Yes, from what was said by the committee.

Do you know that Kean was tried for it? Yes.

Do you know if he was acquitted? Yes.

Do you know M'Donald's first name? I do not recollect.

Do you know that he was a witness on the trial? I could not say.

Was M'Donald a member along with you of the supply committee in April last? There was a M'Donald that was a member.

Was that the man? Not the same—a different individual.

Do you know the name of the M'Donald that was concerned in that matter of Cairney's? I do not recollect his first name.

Do you know his mill? I believe the lad to whom I allude, when the last strike took place, was working in M'Lean's, in Hutchesontown, Gorbals.

Where was he working at the time of the former strike in 1822 or 1823? I could not say; I would think he was working in Humphrey's work at the time.

You have been a considerable time confined just now both in Glasgow and here? Yes.

Who were confined along with you? Murdoch and Christie, and David Thorburn; he has been confined along with us in Edinburgh, and the others both in Glasgow and Edinburgh.

You were all confined in the same room? Yes.

(By the Court).—What were you confined for? SOLICITOR-GENERAL. For protection, my Lords.

You have been confined for no offence? No, my Lord.  
 (By the SOLICITOR-GENERAL)—The other witnesses were there with you for the same reason? Yes.

## SECOND DAY.—4th JAN. 1838.

**JAMES MURDOCH**, Cotton Spinner—(Examined by Mr. HANDYSIDE)—  
 You are a cotton spinner? Yes.

How long have you been so? I entered the Association in 1816.

The Association of Cotton Spinners of Glasgow? Yes.

Had you, previously to that time, been engaged in the spinning business? Yes, in Renfrewshire.

When did you leave Renfrewshire, and come to Glasgow? In 1816.

What was your inducement to enter the Association? My inducement was, because I could not have remained in the work unless I entered into it.

What work? Mr. Hussey's mill in Bridgeton.

Explain what you mean by you "could not remain in the work unless you entered?" There was an Association forming at the time, and I was told that unless I joined it, they would put me out of my work; and pay as they did, or I could not get keeping my wheels.

How were you to be put out of the work? By the men—considering their influence over the spinning masters; by telling clashes, or otherwise, I do not know what means they might have taken.

In short, making your life uncomfortable? Yes.

(By the Court)—By clashes you mean reports against you, or false stories? Yes.

Could you not have got work in some other mill in Glasgow? I had a brother in Hussey's mill, and I wished rather to be there than in any other work; but the Association was not general in Glasgow at that time.

(By Mr. HANDYSIDE)—You joined the Association? Yes.

Did you go through any ceremony in joining it? Yes; an oath was put to me.

Do you remember the words? I could not say I do.

What was the meaning of it? There were two branches of the oath—one an oath of secrecy.

Do you mean by that, to keep secret your taking it? Yes.

And what was the other branch? After administering the oath, he explained the good that was to follow from it; then the other branch was in meaning to abide by the majority in all cases regarding the trade.

Were you to keep that secret? Yes.

And all the proceedings of the body? Yes.

The oath was, that you were to reveal nothing, and to abide by the majority in all cases? Yes.

Was any Bible made use of in administering the oath? Yes.

What was done? It was put under the right armpit.

During the time the oath was taking? Yes.

Was there any word? Yes.

What was it? Ashdod.

What part of the scripture is that? In the 20th chapter of Isaiah, 1st verse.

Were there any signs used? Yes.

Will you explain them? I paid little attention to them indeed.

What was the use of them? To be known to the brotherhood of the same Association.

Was there any change made in the word or oath since that time? Yes.

When was it? To the best of my recollection, in 1822, in the word and oath both.

What was the word? Armageddon—in the 16th chapter of the Revelations, 16th verse; but both the words were administered at the same time.

What was the nature of the change in the oath itself? It was a great deal to the worse—more vicious in its nature.

How was it more vicious? It introduced something respecting the punishment or abhorrence of nob.

Anything more? I cannot recollect.

What do you understand by nob? It may be understood in various ways: what I understand by it is—a man that goes into work at a reduction of wages during a strike: but the trade have nob in various ways.

What other ways? Those revealing the names of the secret committee, are the greatest nob considered in the trade.

Was there anything else constituting nobbing? Speaking to any man so doing; speaking to any one revealing the secret committee, is nobbing also.

When were you last present at the administration of an oath? Between 9 and 10 years ago, to the best of my knowledge.

And the account you have now given of the oath, applies to that which you heard administered? I consider the oath that I last heard administered, worse than any of the oaths.

Explain generally the last oath you consider so bad. I cannot say I can explain it: I paid little attention to it.

But give the substance of it; how was it worse? There was something in respect to masters that was not in any of the other two.

You have spoken of a secret committee; explain what that means: when was it appointed, and for what purpose? The first secret committee appointed that I recollect of, was in 1818.

What was the occasion of appointing it? It was a factory that had started, called Broomward: the proprietor had filled it with women instead of men, and the purport of it was to put them out: the object of the secret committee was to get them put out.

Who was master of that mill at that time? Mr. Dunlop.

What was the precise purpose of the appointment? What were the duties of the secret committee? They acted for themselves alone: they had a power themselves alone exclusive of the body, and they could not be controlled by the body.

How many members did the secret committee consist of? Three.

How were they appointed? A man's name was taken out of each shop in the trade belonging to the Association.

What do you mean by each shop? Each factory.

What was done with these names? One of the district committee—the then existing committee—went round with a hat, and lifted those names from each delegate, and put them into his pocket: the secret select committee was considered then to be in: it is known as secret select to the committee: it was then left to the finance committee to take three of their own number, or take them out of those names, that they might not be known to the trade who the 3 were: the power was absolute with themselves.

When the secret committee was thus appointed, had it the full powers of the Association? It had the whole power of the whole money belonging to the Association.

What was expected by the trade after the appointment of this secret select committee? To put these women out of Broomward's shop.

Did it succeed in so doing? The first attempt that was made, was to set fire to it.

How do you know that? From the public papers, and from it appearing in the schedule-money paid for it: the schedule that was handed through the trade every fortnight to shew the expenditure and income.

What was the nature of the entry in the schedule? What was it called? Colliery.

(By the Court)—How do you know what the meaning of that word was? We all knew what it was: it was a phrase perfectly known to the whole trade. What do you understand it meant? The money paid for the attempt to burn Broomward's shop.

(By Mr. HANDYSIDE)—That was the meaning which it had on that occasion? Yes.

But was it a word generally used for purposes of that sort? For some years it was.

Did the secret select committee succeed in getting the women put out of the mill? No, not at that time.

When was the next appointment of a secret select committee that you remember of? There were several other depredations under that secret select committee before another secret select was put in.

What do you mean by depredations? Acts of violence to persons and property.

Can you specify any of these? There were two men sent to America that I considered committed an act of violence.

At whose expense? At the trade's.

How came you to consider it? It was a woman's house that was entered in the morning, in one Norrice's land, or Pollock's, and her life was taken: her name was M'Pherson: she had a daughter that was in that mill—a Mary M'Pherson: we considered the mother's life was taken in a mistake for the daughter's.

What time was this? I could not exactly say the year; it might have been either 1820 or 1821.

Who were the persons suspected of this? The two persons that went to America—Peter Dunlop and Barney M'Keing.

Had they been members of the Association? Yes.

Were these persons sent at the expense of the Association? Yes.

How had you the means of knowing that? By seeing their names in the schedule, and the money paid for their emigration.

What was the sum? I could not say exactly.

(By the Court)—You saw their names in the schedule, and the money paid to them—how did you know that was for the concern of the widow? I believed it was so: it was generally believed by the trade, that it was for so doing.

(By the SOLICITOR-GENERAL)—You never heard any other reason for sending them out of the country, but for this act on Widow M'Pherson? None.

(By Mr. HANDYSIDE)—Do you know anything of shooting at a man of the name of Graham? There was a man shot at before Graham—M'Quarry: he was both shot at and shot; he was wounded.

When was M'Quarry shot at? In the year 1820.

Do you know of any payments made at that time on that account? Yes, there were three different payments.

Whom were they paid to? Andrew Darroch, Owen Callagan, and Stephen Campbell.

On what account were the payments made? For shooting M'Quarry.

What was he? He was a nob.

Were they sent to America? One of them since that time was transported for shooting at John Orr, in Paisley—that is Callagan.

And the others? One of them remains in Bridgeton still, I think—Stephen Campbell.

Did these three persons get money? Campbell told me himself that he got £15.

(By the Court)—Did you see any entry about these men in the schedules? What did you see? It was entered under the name of Colliery.

To whom was it stated to be paid? There was Barr's strike collieries so much—several things put together: this Barr was proprietor of a work that had struck.

What was the sum marked as paid? I do not recollect; that was the general entry.

Is there any body put down as receiving it? No names.

(By the SOLICITOR-GENERAL)—How do you know that Campbell was one of the persons? I was an eye-witness to it—the shooting of M'Quarry!

(By the Court)—You saw the thing done, did you? I did, my Lord.

(By the SOLICITOR-GENERAL)—And then you saw this mentioned in the book? Yes.

Have you any reason to know that the money payment was made to these men for this? I have reason only from seeing it marked in the book.

(By the Court)—Who shot him? Campbell.

(Cross-examined by Mr. ROBERTSON)—Who were present besides? Thomas Lochray and James Easdon were also along with me.

(By Mr. HANDYSIDE)—Who else besides Campbell? Darroch, M'Callagan, and Campbell, and besides them, myself, along with Thomas Lochray and Easdon, and Henry O'Connel.

Where was this? In the Green of Glasgow.

How came you to be in the Green? I met Thomas Lochray in Bridgeton, and he told me there was to be an attack made on the Nobs at the skailing of Barr's Mill.

In consequence of this, what did you do? We went down to the Green to see the work skail.

(By the Court)—That is, dismissing for the day? Yes.

(By Mr. HANDYSIDE)—What did you see? A good many splinters were gathered together, and standing in a little hallow that was in the Green towards the entrance into the street that leads towards Barr's mill. We stopped there for a little time, and at length the work stopped, and the Nobs came down the street. There were two brothers of the name of Barr—they took along towards the Green-dyke towards the town, and M'Quarry came to go through the Green by the monument. Darroch walked after the two Kerrs two or three steps across the green, and fired a pistol.

Did the shot take effect? No: M'Quarry came across the serpentine walk: Stephen Campbell came out from the trees, and fired at M'Quarry with the pistol.

Did it take effect on M'Quarry? Yes.

(By the Court)—Did you expect this when you went to the Green? No.

You thought that some sort of disturbance would take place? Yes.

(By Mr. HANDYSIDE)—Was it expected by those who were with you? I had not reason to believe it was.

Was there any trial about this matter? None.

About what time of the day was it? In the afternoon in the summer season, in clear sunshine.

(By a Jurymen)—Did M'Quarry recover of this wound? Yes.

(By Mr. HANDYSIDE)—Did you give any information about this? None.

Why not give information? Because I was afraid.

(By the Court)—Of similar consequences, I suppose? Yes.

(By a Jurymen)—Was Campbell a member of the Association? Yes.

(By Mr. HANDYSIDE)—Was there any investigation into this shooting of M'Quarry? There might have been: I do not recollect. There was £300 of reward offered for information.

(By the Court)—£300 for the assaults on the Carrs and M'Quarry? Yes.

(By Mr. HANDYSIDE)—About the time of the shooting of Graham, or some time after, were you a member of the secret committee of the Association? Yes: but we acted openly.

What was the occasion of your appointment as a member of that select committee? A dispute took place in the trade after the shooting of Graham, and a select committee was appointed, to act openly as a committee.

What was done? They appointed a committee to act openly, that is, of their

own body, so as all the trade might know who were in the committee, so that the shooting might not take place again.

(By the Court)—Was not the person who shot Graham publicly tried, horse-shipped at Glasgow, and transported for life? Yes; one John Kean.

(By Mr. HANNAH)—Was it on account of this shooting of Graham that this select committee to act openly was appointed by the trade? Yes.

Their names were made known? Yes.

Had you occasion to know as a member of that committee whether any payments were made to Kean or to any one connected with him? Yes.

To whom? A referee was appointed afterwards to investigate the claims of one man; that claim was made by Daniel Orr—a referee of five.

Were you one of these referees? Yes.

To consider Orr's claim? Yes.

What claim? That he was hired in a house at Barrowfield toll, along with Kean, Latherty, and another man, to shoot at Graham.

What did he demand? £20.

From whom? From the Association? Yes.

What did you do in this reference? We ordered him to produce witnesses to prove that he was the man that was hired.

Did he produce any? Yes, Thomas Patterson.

Who was he? A cotton-spinner.

Had he any office in the Association? I cannot say what office he held at that time.

You investigated that claim? Yes.

Did you go farther in the investigation? No, we were satisfied with Orr's evidence, and Patterson's.

Did you award him the sum? We did.

Do you know whether any payments were made to Kean's wife? Yes, after his trial.

What were the payments? 12s. a-week for eighteen months.

Out of the funds of the Association? Yes.

You have spoken of Latherty as engaged in it,—do you know of any payment being made to his wife? Yes.

How much? The same sum for the same period.

What became of Latherty? He was sent to America after he came out of Bridewell, when imprisoned with Kean; and while he was in Bridewell, this sum of 12s. a-week was paid to his wife.

Did you know these things you have spoken to as a member of committee? Yes.

Do you know any thing as to the way the expenses of Kean's trial were paid? They were paid by the Association.

What year was Graham shot at? 1825, or early in 1826.

Do you remember after Kean's trial of a meeting of the Association being held in the Green? It was not in the Green: it was in a Hall.

What took place at the meeting? It was to deny the charges laid on the Association, such as the shooting of Graham.

Were any speeches made? Yes, several.

Did any reporter for the newspapers attend? I think there were two.

Were the speeches reported in the newspapers at the time? Yes.

Do you remember any of the persons who made speeches on that occasion? Thomas Patterson spoke a good deal, and denied the charge that the Association had any thing to do with the business.

Is that the same Thomas Patterson you mentioned before? Yes.

(By the Court)—Was that meeting before or after Orr's claim? Before.

(By Mr. HANNAH)—Do you remember a person of the name of M'Deod?

Yes. Was that man tried? No.

Do you mean to say that he was not tried, or that he was not convicted?  
He was not convicted: he was not tried that I know.

Do you know of any payment being made to him? Yes.

What was it? £4 16s.

When and for what? For maltreating a woman of the name of Margaret Banks.

What year was it in? I cannot say whether in 1825 or 1826.

What was the cause of her maltreatment? Because she was a nob.

How long did you remain a member of the select committee? Two months.

How came you to cease? At the expiration of two months the committee was changed, and I went out of office.

Was any change made in the way of the appointment of the committee when you went out of office? None.

Have you been a member of committee of late? No.

Did you know anything of the shooting at a man of the name of Brown, or his house? Yes.

Who was the person accused for that? One Walker.

Was he tried for it? Yes.

Do you remember the year? 1827, I think.

Was he a member of the Association? Yes.

Do you remember of any talk among the members of the Association about the defence of Walker, what should be done? Yes.

What was proposed? They did not know at the time that Walker had pled guilty.

Were you present at the conversation about his defence? Yes, at a private conversation.

Was it with members of the Association? Yes.

What sort of meeting was it? It was at a shop meeting.

What shop was it? Mr. Hussey's.

This was before his trial? Yes.

What was proposed at this meeting? It was proposed to get men to swear, that William Brown, whose house had been shot at, had hired persons to do it himself.

You said before, it was not known then that he pled guilty? He had not been tried, and they did not know that he would plead guilty.

When this proposal was made, did you know it was false? The proposal was to get witnesses to swear to what you knew to be false? Yes.

You know that Walker was tried, pled guilty, and was transported? Yes.

Do you remember the case of one Cairney, a spinner? Yes.

What happened to him? He had an eye burned out of his head with vitriol.

Was he nobbing at that time? He had been, but not at that time.

What year was this? I do not recollect the year.

Do you remember if there was a trial upon the matter? Yes.

Who was tried? Peter Millan.

He was acquitted? Yes.

At that time did you see any schedules of alimment being paid to any one of the name of M'Donald? Yes.

Do you remember the amount? There were four men brought on alimment for the burning of Cairney—him and three others.

What was M'Donald's first name? James, I think.

What was the alimment paid to them for? For being impeached with that action.

M'Donald was not tried for it? No.

For what did he receive the alimment? Because he fled at that time: he went to ———, Ayrshire, on account of that business.

You know the prisoners at the bar? Yes.

You know them all? Yes.



How long have you known Hunter to be a member of the Association? About eighteen years.

How long Hacket? Since 1823 or 1824.

How long M'Neil? I have known him about nine years, I think.

And Gibb? About ten or twelve years.

And M'Lean, is he a member—for how long? About twelve years, to my knowledge.

There was a strike in April last? Yes.

Did you go out in that strike? I was not working at the time.

Did you apply for alimant at any time from the Association after the strike? Yes.

And had occasion to see the members of the committee? Yes.

What committee? The committee that was sitting at the time.

What name did it get? The supply committee.

Were these prisoners, or any of them, members of that supply committee? Yes.

What was Hunter? He was director or president.

Hacket? I could not say whether treasurer or clerk.

M'Neil? I could not say as to him.

Was he a member of the committee? Yes.

Was Gibb a member? Yes.

What office? I could not say what office.

Was M'Lean in any office? In no office, that I know of.

Was he a member of the committee? No.

Have you seen M'Lean at the room of the committee? Yes.

With any of the other prisoners? I have seen him calling on Hacket.

Did you attend any meeting of the Association after the strike in April? No.

What was the occasion of your going to the committee room? To see if they would allow me alimant as others were getting it.

Did you receive alimant? Not at that time.

What time do you speak of? July last.

Had you received alimant previous to July last? I applied for it in July, and did not get it till August: I had got none before that.

Was there a new committee appointed in August? I do not know: I was confined.

Is there a practice in the Association of giving free lines? Yes, to members who are clear of debt.

How were they got? From the shop that they wrought into, signed by three men of that factory, members of the Association, and they must likewise be clear of debt.

Was a certificate ever given by the office-bearers of the society or committee? Do you know another sort of certificate? They had no authority for giving a certificate: it must come from the work that they wrought into.

Look at this (shews witness No. 23 of inventory).—Do you know the signatures? I know the names—Thomas Hunter, James Gibb, and Richard M'Neil: I do not know the handwriting, but I know the stamp.

What meaning do you attach to that stamp? I consider that M'Lean and those men had been connected in something or other that required him to get a line to shew that he needed to leave the country for something he had done.

Had the secret select committee a power of granting such lines? Yes; they have an absolute power.

Had they such power although the members might be in debt to the Association? Yes.

Look at that book (shews witness No. 3 of inventory).—Is that a book containing the assessment and contributions of the members? Yes.

There is a number at the top of each page? Yes; this is number 19.

What signifies that? The number of the work that a man works into.

Then there is a column of names of the men in that shop? Yes.

And the different contributions paid by them? Yes.  
Do you observe the name William M'Lean there? What shop? No. 19.  
Does it appear from that whether he has paid up his contributions, or whether he is in debt? In debt 18s. 9d.

There is a column for debts? Yes.

Under that column you find M'Lean's name 18s. 9d.? Yes.

What is the date? 2d January, 1836; that is the entry.

If a member had paid his debt to the Association, would that fact have appeared in the book? Yes, the debt would have been taken out of the book.

Who kept that book? I could not say.

Is there a clerk employed by the Association? Yes.

Look at that Bible: turn up the chapter in Revelations where Armageddon is to be found. Here it is. Turn it round so that it may be seen. (Witness turned it towards the Bench and the Jury-box.)

It is a little worn by the thumbing—by using? Yes.

Turn up the 20th of Isaiah, where the other word Ashdod is. (Turns it up, and shews it to the Court.)

Look at the title page of the Bible—what year is it printed in? 1825.

(The Bible was then handed to the Jury.)

Look at these (shews witness Nos. 13 and 14 of the inventory).—Are these schedules? Yes.

The schedules you spoke of in your examination, were they similar to these? Yes.

Look at this book (shews witness No. 5 of inventory).—Do you know that? Yes.

Do you see an entry of £19 there? Yes.

What is the entry? Expenses with Nobs, £19.

(By the Court).—Is there any date? No.

(By Mr. HANDYSIDE).—Can you explain that entry—the meaning of it? Yes: it may be explained various ways: it might be given to one man for maltreating a Nob, or to several for the same thing.

(By the Court).—Is there any other way than that you can explain? No other.

Might it be for expenses of drinking with them? Yes, possibly it might.

And reasoning with them—trying to persuade them? Yes.

(By Mr. HANDYSIDE).—Do you know any thing of a guard committee being appointed by the Association? No; I was not much among them at that time, only seeing the guards on the mills.

Describe what you saw at the mills. Some mills had more and some less walking up and down past the gates.

(By the Court).—Of men of the Association? Yes.

Backwards and forwards? Yes.

(By Mr. HANDYSIDE).—What mills did you see these at? I have seen a great many about the Adelphi mill in Hutchesontown.

That is on the other side of the Clyde? Yes.

What, on the Glasgow side? I was not much over on that side, and did not see the guards there.

When did you see the guards at the Adelphi? After the strike in April last.

Did you know any members of the Association acting as guards on the Adelphi? Yes, several; Andrew Davidson and John Morrison.

Do you know Walter Morrison? Yes, I have seen him acting as a master of guards.

Any more? None that I recollect of.

Did you ever see the prisoner M'Lean acting as a guard? No.

You saw Morrison acting as a master of guards—what was the plan followed? He was coming up to see if the guards were all on, and if they were doing their duty—attending.

Had he any title?—was he called any thing? No, I could not say.

You have seen him giving orders to the guards? Yes.

From which you considered that he was a member of the guard committee ?  
Yes.

Do you know John Parker ? Yes.

Have you seen him acting as a guard ? Not that I recollect of.

Do you remember the day when John Smith was shot ? Yes.

Had you seen M'Lean that day ? Yes.

Where ? Down by the Broomielaw.

About what o'clock ? It was the fore part of the day.

Was any person with him ? Yes.

Who ? M'Donald and Keith—his first name is, I think, James.

Did you see these persons again in the course of that day ? I saw Keith and M'Donald in the evening about 6 or 7 o'clock.

Where ? Foot of Coburg lane, in Laurieston, the other side of the water.

What direction were they taking ? They were just parting as I saw them.

Did you hear on either of these occasions the party agree to meet again ? Yes, that evening about 6 or 7, when those persons were parting at the foot of the lane : I cannot say the hour positively.

Where were they to meet ? I did not hear.

When you saw M'Lean that day, how was he dressed ? He had on black trousers and a long dark green coat.

What had he on his head ? A hat.

A common round hat ? Yes.

Black ? Yes.

(By the Court).—This was in the fore part of the day ? Yes.

Were they walking on the quay of the Broomielaw, or where were they ? On the quay.

(Cross-examined by Mr. P. ROBERTSON).—How many people did you say were present along with you when you went with Lochrey to the shooting ? Two.

Where is James Eason now ? I cannot say : he was in Johnstone, and Lochrey in the same place, when I last heard of them.

In whose mill ? He had dropped the spinning, and was not working.

Did he come away with you when the thing was over ? No : Lochrey went to Bridgeton, and we followed M'Quarry a little behind through the Green.

Where was Lochrey when Campbell shot M'Quarry ? He was standing at my left side.

You saw the shot fired ? Yes.

Both of you ? Yes.

(By the Court).—Both of the shots—the shot also against the Carrs ? Yes.

How many shots were fired altogether ? Two shots.

How many pistols had the party with them ? Callagan, Campbell, and Darroch.

Callagan did not fire his ? Not at the time.

Did he do it afterwards ? Yes ; after he was walking away towards Rutherglen he fired it in the air.

(Cross-examined by Mr. P. ROBERTSON).—Where is Carr now ? I cannot say.

What was the last meeting of the Association you were at ? I could not say what year.

How many years ? It may have been 9 or 10 years.

How long since you have been at any meeting of the delegates—a general delegate meeting ? About the same time.

How long since you have been at any meeting of committee of any kind ? About the same time.

When did you last see any oath administered ? Nine or ten years ago.

Where was it ? In William Ewing's, High-street of Glasgow.

Do you know of your own knowledge whether any oath has been administered for the last nine or ten years ? I did not personally see any.

How do you know, of your own knowledge, that any secret committee has existed for the last nine or ten years ? Only from hearing : I cannot say I have seen them acting.

How long were you a member of any committee? Never more than two months at a time.

On how many occasions? Twice.

When was the first time? In 1817.

When the second time? In 1826, as I think.

Did you ever hold any situation in the Association? A delegate.

Did you ever hold any office? Yes, secretary.

When? In 1826 or 1827.

How long were you secretary? Two months.

That is the second time you were in the committee? Yes.

What was it called? It was the secret committee, that acted openly.

Both times? They were all secret before that.

You were a member for two months of the finance committee? Yes.

And all were secret at that time, the combination laws being in existence? Yes.

Were they all secret as to their names not being known at the time? Not in the sense known now: we could talk of them among ourselves at that time—in 1817, but after that it was different.

You held no situation in 1817, except being a member of the finance committee? None.

You kept no books connected with the Association at that time? Not at that time.

You did not come into office in the committee again till 1826? No.

Then I suppose you had nothing to do with the books from the time you left the finance committee in 1817, till you came into office again in 1826? Nothing to do with them.

Do you know who kept them during that period? There were several.

But you had no occasion to examine them? No.

In 1826 you were secretary for two months—was this for the Association or committee? The Association.

What books did you keep? The debt book, and a book of income and expenditure.

After you went out of office, had you any thing to do with the keeping of the books? Nothing.

Is any part of the large book shewn you in your handwriting? I could not say.

Look at it—how far back does it go? 1832.

You never saw it before? Not till I saw it to-day: the book I kept was similar, but I do not think so large.

What has become of it? I cannot tell.

And you do not know how that book was kept, or who kept it? I cannot say.

From what materials was your debt book kept?—where did you get the materials from? The delegate brought in that.

Did he bring it in a book or a piece of paper? On a piece of paper generally, and sometimes reported verbally how much a man was in debt.

When you made your entry, you trusted to the report of the delegate? Yes.

And if he was wrong, your book was wrong? Yes.

You do not know whether any guard committee was appointed during the last strike? I did not see any appointed.

When did you last apply for alimint? A fortnight previous to the shooting of Smith.

On what ground? Because my family had been thrown idle during the strike.

Had you joined the strike? No, I was not working at the time: I was lying badly of the rheumatisms.

When were you last engaged as a spinner? Four years ago.

What entitled you to alimint by the rules of the Association? Because I was a member.

When did you strike? At the general strike in 1824.

And you were unwell in 1837? Yes: because others got alimint in 1824, situated as I was, I considered myself entitled to it.

You did not get alimnt? I did not get it in July—I was refused.

Why? I cannot say.

(By the Court)—You was a prisoner in August? Yes.

(By Mr. ROBERTSON)—Who did you apply to? To the committee, in July.

(By the Court)—What members? To Thomas Hunter, with a card, first, and he told me to give it to the officer, and I did give it.

(By Mr. ROBERTSON)—Who gave the refusal? Henry Dunn.

You have been in jail since, along with Moat and Christie? The most of the time.

Was you ever in jail before? Yes, in Paisley.

When? In 1832 or 1833.

Why? For shooting a hare—killing it rather.

After you left off spinning, you have been gaining your livelihood by peaching? No, I took badly with rheumatism.

You were not complaining of rheumatism at that time? No, the work was stopped at that time.

Was the hare killed among you? Yes.

How? I cannot tell, but it was killed.

Was you in jail at any other time? No.

Who was the other man concerned in the hare business? John Ferguson.

You are sure it was not shot? Yes.

Do you know a man of the name of M'Caffie? Yes.

Do you know him? Yes.

Was he a member of committee at any time? I was so informed, but I could not say if he acted.

Was he a member of the secret committee? I was so informed, but I cannot swear to that.

You told us that M'Donald fled some where into Ayrshire, about Cairney's business? Yes.

Where is he now? I cannot say.

What mill did he belong to? I cannot say.

Was he a witness at Mullan's trial? I cannot say.

Did you ever see any certificate like that one shewn you about M'Lean? Yes.

When? When I was a member of committee in 1826.

None since? None.

Supposing a man were going to leave the Association to go to England to work, did he get any certificate of that kind? Yes, signed by the men of the shop that he wrought in.

But that is not one signed by the men of the shop? No.

Then answer the question I put to you before? Yes, I granted one myself; I signed it along with the rest of the members, as being of the secret committee: the secret committee, of which I was one, acting openly at the time, signed a line of that description.

In favour of whom? Of the man that sent for the line: I cannot say what was his name—it was a fictitious name: he had fled to America: he wrote from America for it: he was not passing for the same name there that he was here: I thought it was for Paton Dunlop; but I could not swear.

Under what name was the letter written? That is the name, I do not know: it was given in the name he was passing for there: it was granted in favour of the name not known.

Did you ever see any certificate of that kind but that one, and the one you see just now? Never.

(By the Court)—You mean a certificate of that kind? Yes.

(By Mr. ROBERTSON)—What is the use of it? To shew that you are a good man belonging to the Association: for instance, when going to England and Ireland, they won't take you in unless you have it.

And it is of no use in America? I would have thought that till I saw it.

And they are usually granted to persons going to England and Ireland? Yes, from the shop they belong to.

And these are granted whether the people have done any thing wrong or not? Yes, if they be clear of debt they can demand it when going away.

(By the Court).—Getting it from the shop has nothing to do with the secret committee? Nothing.

(By Mr. ROBERTSON).—You do not know any other Thomas Lochrey?—of the same name? Yes, there is a father and son.

Was it the father? The father.

Is he alive? Yes, for ought I know.

What has become of Orr, the man that had made the claim for the £20? He is about Glasgow, I think, but I cannot say.

Do you know what mill he is in now? I cannot say.

Do you know where Thomas Paterson is? He was about Anderston the last time I saw him.

Was he about Houldsworth's work? I rather think not, but I am not quite certain.

(By the Court).—How much money in the pay of aliment did you get when you were imprisoned in August? I got first half-a-crown, and then 5s. and then 2s.—that is all that I know of, and whether the family has got any more since I cannot tell.

Who delivered it to you? It was my daughter that brought it.

You were telling us of the shooting at Grahame—was it after that there was a dispute among the trade, and a select committee to act openly? Yes.

So that all the trade might know who they were, that it might not happen again? Yes.

Was that appointment made before or after the trial of Kean? After.

You said when a member went to England and Ireland, he got certificates to show he was a good man, to make him be received as a worker—did you mean that to apply to the ordinary certificate, or the one by the committee?—by the committee it was not shewn to a master?—which kind of certificate is given to a man going to England? The shop certificate, not the committee certificate, to a man going to England or Ireland.

(By the LORD ADVOCATE).—Was any select committee appointed after that time? That committee only lasted six months.

After these six months, was there any secret committee, the names of which were known to all the Association? No.

Were members allowed to inquire? No.

What was done after these six months if members inquired who were members of the secret committee? None of us inquired: a member durst not inquire, because it was a danger so to do—because the body had no control over them; for they had the absolute charge of all the money concerns: if they inquired, the person would have been nobbed, or the person who told would have been nobbed.

(By the Court).—You considered yourself put into prison in August for security? Yes, not for any fault.

HENRY COWEN, Cotton-spinner.—(By the SOLICITOR-GENERAL).—You are an operative spinner? I commenced to spin in 1814.

You were for some time connected with the mills in Renfrewshire before you came to Lanarkshire? Yes.

When did you first come to the Lanark works? In 1818.

When did you join the Association in Lanark? In 1818.

Did you take any oath when you joined the Association? The oath was proposed; but when the half was given, I drew the handkerchief off my eyes, and would not proceed farther into it.

(By the Court).—Then you declined taking the oath? Yes.

(By the SOLICITOR-GENERAL).—What took place then? It proceeded no farther that night: this was in 1817 in Renfrewshire.

And after that you came into Lanarkshire? Yes.

Did you take an oath in Lanarkshire? Never.

How did you get into the Association without that? By paying a pound I got quit of it.

Was there any pass, or gripe, or sign? No farther than being a clear member in Renfrewshire.

Did you satisfy them you were a clear member in Renfrewshire? I told them that I was, and they never inquired farther.

Although you did not take the oath, did you know what it meant? Yes.

And you satisfied them that you understood the oath in Renfrewshire? Yes.

Could any person get over taking the oath by paying 20s.? They could not get over sometimes under £5.

But if they had paid that entrance-money, they could not be admitted without taking the oath if they had not been in any Association before? No.

After you went to Lanarkshire, and were in the Association there, were you ever asked to bear office? Once.

Did you serve? No: I was elected a delegate, and did not serve: I paid the fine of half-a-crown.

Do you recollect the last strike in 1837? Yes.

What mill were you working in at that time? Hussey's mill.

Did all the hands strike at that time? Yes.

Did you go with the rest? Yes.

Was it of your own will? No, it was against my will.

Why did you strike? I was forced out along with the rest.

Do you recollect of any committee being appointed? Yes.

What was the first after the strike? The supply committee was first appointed.

You were not a member of that committee? Yes.

Was there any other committee appointed after that—was there a guard committee? I understood there was.

How do you know? By seeing them; I do not know how they were appointed: I know there was a guard committee.

How do you know it was appointed? I have seen them both, guards and men, that were pointed out as members of the committee.

Superintending the guards? Yes.

(By the Court)—You believed those men who superintended to be members of the committee? Yes.

(By the SOLICITOR-GENERAL)—Did Hussey's mill send any delegate at all at the time you were there? Yes.

On more than one occasion? On two occasions: the first sent was John Adams, about the middle of May; he stopped in for a fortnight.

Was that before or after you saw the guards on? The guards were on shortly after Adams was sent a delegate.

Did Adams resign? Yes; he said he would go back no more, and another was appointed by the shop in his place.

Who was he? One William M'Graw.

Did you understand the object of M'Graw's appointment? He was to be one of the delegates: they appointed a select committee from the number of delegates.

Was this known at Hussey's work that he was to be one of the delegates out of whom the select committee was to be appointed? Yes.

What led you in Hussey's work to send a delegate to the Association? One was sent from each mill, and the purpose was to send a man from each mill, and they would choose a man for the select committee themselves.

Did you get any orders or directions at the mill to choose your delegates? An order came from the ordinary committee and the supply.

How was that order communicated to the mill? By a man authorised coming up to the committee to the shop, and we were to vote in any person we thought proper.

Was the object of appointing that delegate said to be for the purpose of choosing a select committee? Yes.

Do you recollect when you were asked to choose a delegate for the select or secret committee? Sometime about the middle of May, when Adams was first chosen, and then M'Graw.

Did Adams assign any reason for his resignation? Yes, they were bothering him to tell what took place in the committee: he said he could not tell them a thing: he was sworn to keep secret.

(By the Court)—That was his answer? Yes.

(By the SOLICITOR-GENERAL)—Did he give you any explanation farther? No, he said he would be damned before he would go back to such a place.

Did M'Graw continue to act as delegate? Yes.

He did not resign his office? No.

You said a message came from the Association, asking you to choose a delegate for the select committee—did you understand what was meant by this? It was very well known in the trade what a select or secret committee was.

What was known? When a select committee is appointed, it is generally understood that there is some person to be shot, or vitriol to be thrown, or property to be destroyed.

(By the Court)—And these acts required the direction of a select committee? Yes.

(By the SOLICITOR-GENERAL).—Is it understood in the trade that the select committee has any thing to do with these injuries? It is perfectly understood that the select committee hire all these persons that do them, either directly or indirectly.

Have you at any time seen the schedules of the expenses of the society handed round? Yes, severals.

Did you see the word colliery in connection with any charge? Yes, a long time back.

What do the trade understand by colliery? Shooting or throwing vitriol on the nob's, or wounding or maiming them in some way.

Were there guards put on Hussey's mill? None on Hussey's mill.

It did not take in any new workers? No.

Did you see the guards on the other mills? Yes.

What was the business of the guards? To keep the new hands from going in, and to try to take out the new hands that had gone in.

What means did they use for that purpose? They try to advise in the first place: some give drink to intoxicate, to make them lose their work, and to some they give a licking.

Were the guards constantly on duty during their appointment? Yes, one party was relieved about the middle of the day by another party.

How long did the parties remain on duty? They were on sometimes so soon as 3 or 4 o'clock, and sometimes the other party to 9 and continued to 3, and another party continued till 9 at night.

They continued from the earliest hour of working in the morning till the work was dismissed? Yes.

Was every thing very quiet while these guards were on? Sometimes, and sometimes not.

Was there any mobbing? Yes, at Mile-end and Oakbank, and Blindburn-mill, Hutchesontown, which belongs to Thomson.

Do you recollect Keddie being tried by the sheriff? Yes.

For what? For being concerned with those riots that the guards made.

And being caught on guard? Yes.

Did any thing take place about that time in regard to the sentence to be inflicted on Keddie? It was agreed that the sentence would be delayed if they would take off their guards off the mills.

How do you know? Mr. Gemmill, the law agent, stated this at a public meeting.



Were you present at that meeting? No.

Was any thing reported to a meeting at Hussey's mill about what had been done about Keddie? Yes: there was a party sent from Hussey's mill into the hall—the Universalists' chapel, Dove-hill.

Is that where the Association meets occasionally? Yes.

This party was sent from Hussey's to attend this meeting? Yes.

How many did it consist of? 12 or 16.

Was that in regard to Keddie's trial and sentence? They went in every day.

Were you of the party that went into the hall? Sometimes I was and sometimes not.

Did you happen to be in the hall when any statement was made about Keddie's sentence or trial? No.

Were any reports brought to Hussey's shop about that? Yes.

By your own party? Yes.

What did they report? That the sentence would be delayed if the guards were taken off the mills.

Did they explain how that was to be done? I do not recollect—they reported that Gemmill had stated in the hall, and made a statement that the sentence would be delayed if they took off the guard.

What was done by the Association? They took the guards off for a day or two days.

Did they put them on in the same strength again? In similar numbers.

Did Hussey's shop make any resolution, or acquiesce in the resolutions passed at the hall? They acquiesced in the resolutions passed in the hall.

Were any new instructions given to the guards that were put on in diminished numbers? They were to keep quieter for the time.

Did you hear the instructions? Yes.

Do you recollect any combustibles being thrown into Hussey's mill? I recollect about the time it was spoken of.

What was the time? I could not recollect, but it was in May last that such a thing did occur.

Were any instructions sent to Hussey's shop at that time? Yes, but it was after that they got the instructions—one day they got instructions that they were all to be in their houses at 8 o'clock at night, and see they had proof to that effect.

Do you happen to recollect whether that was before or after combustibles were thrown into the mill? It was after.

Did anything occur in Hussey's mill in consequence of that order? Nothing.

Did you obey that order? No, I could not, I was following after another job—I was collecting the town dues, and I could not obey the order, because my business as collector would not allow me to be home.

What did they say to that? They did not say anything.

Was it understood that these orders were to be obeyed by the workmen in general? Yes.

You mentioned that in consequence of directions from the Association, you sent delegates for the purpose of having a secret committee appointed? Yes.

Did anything happen immediately after you sent up your delegate? No, it was a long time before anything particular happened.

Was that as you expected it to be? No, it was expected that something would be done long before that.

Did you hear anything said about it among the members of the Association? It was quite generally understood that after the men went in something was to be expected—it was quite general in the morning for the members to ask if they had heard any news—no, nothing done yet.

Meaning to explain their surprise that nothing had been done? Yes, surprised that the delay was so long.

What sort of news did you expect to hear in the morning? Some person to be shot or thrown vitriol on, or maimed in some way or other.

Did you know a person of the name of Riddle? Yes.

Was he one of Hussey's shop? Yes.

What was his first name? Thomas.

Do you remember if Riddle was said to be concerned in any thing? He and other four broke into a house where Donaghey was living—took a large stone and broke a hole in the windows, and took a pistol from Donaghey—it was reported to the shop next morning.

Who reported it? I forget the person.

Was it reported as a matter of news merely? Yes.

Did Riddle remain in Glasgow? No, he fled.

What became of the others? They fled at the same time.

Do you remember the names of these men? M'Manus, Thomas M'Caffie, and one Thomson.

When was this? I forget the precise date.

Was Rea a member of the Association? Not a joined member.

Were the others members? Three of them were.

Do you know if any alimant was paid to any of these men? Yes, they got £3.

How do you know that? I was told it.

Did you see it in any schedule of expenses? No.

Do you know if Riddle got any alimant as an idle man? Yes.

How do you know? I know it by its being sent out along with other men's alimant: I brought out the alimant at one time for the whole, and his share was paid along with the rest: one Rossan lifted his payment, who I understood was authorised by Riddle to receive it: I was sent to M'Caffie's wife to tell her to come and lift her alimant for her husband after he was off: it was sent by Robert Thomson, chairman of the shop meeting.

Do you recollect the guards being appointed at Glasgow green? Yes.

Were you present? Yes.

Was there a meeting there? The guards always met at the monument, and any time that I was there the captain of the guards was a man, John Trotter, a member of the Association.

How did they proceed? They appointed so many to go to every mill that there was to be guards put on.

Had he any list or roll in his hand? Yes, he had a book.

When was this? About the middle of May last and after that.

How did he select the guards? Six or twelve, just as the mill required, and he read the names and pointed out those who were to go, and appointed a sergeant to take charge of the party of the different places: if there were two entrances into the mill, a double guard was put on.

A sergeant was appointed to each party? Yes.

You have been a guard yourself? Yes.

Was it your duty to obey the sergeant? Yes.

And your instructions were to deal with the noba in the way you have mentioned? Yes.

Do you remember who was sergeant when you was on guard? One Rossan—I was only once a guard—I refused six other times, and was fined 1s. each time.

Were you repeatedly appointed? Yes.

Do you know the prisoners? All except M'Lean, I do not know him.

Do you know they are members of the Association, except M'Lean? Yes.

You have seen them attending meetings of the Association? Yes.

(Cross-examined by Mr. ROBERTSON)—The first delegate sent from Hussey's was John Adams? Yes.

Where is he now? In Hussey's mill now.

The other was William M'Graw—where is he now? In Hussey's mill.

Are there any others of that name? Not of that name.

Trotter, you say, nominated the guards at the monument—where is he? I think he spins in Campbell's mill in Bridgeton.

Was it he that gave you your instructions what you were to do with the guards? The sergeant gave us instructions what we were to do—Trotter read off the guards.

The sending of delegates with a view to the select committee—was it before or after the combustibles were thrown into Hussey's mill? I could not say the date correctly of the combustibles being thrown into Hussey's mill.

What was the day you were ordered to be at home at 8 o'clock? The 26th July last.

At that time you had employment in collecting town's dues? Yes, at the Broomielaw.

Have you always been a cotton spinner since you first entered business? No.

What have you been since that? I have kept a public house, and been a toll keeper.

When were you a public-house keeper? First in 1828, up at Linwood in Renfrewshire, two years.

When was you a toll-keeper? In 1833.

How long was you at that? One year.

Do you know James Moat? Yes.

How long? About a year.

Has he been a cotton spinner during that time? I cannot say whether all that time.

Has he been anything else? Not that I know of.

Are you intimate with him? Not intimate.

You came from prison just now—where you were for security? Yes.

Were you ever in prison before? Yes, in 1833.

How long? About eight months.

For what? It does not signify for what—it was for debt.

Was it for embezzlement? No.—debt at the instance of the City Chamberlain.

Were the toll revenues accountable to him? Yes.

It was for not paying him the toll duties? Yes.

What instructions did the sergeant give about the guards? If we saw any good likely to result from it, to use whatever means we could to get them kept out.

What means were you to use? First try to persuade them, and then try them with whisky, and then send them to the committee, and if that would not do, to do anything we liked with them.

(By the LORD ADVOCATE)—Was any attack made on your house? Yes, on the morning of the 16th of last month.

What was the cause of your going to jail? I did not think it safe to stop at my house, and went to prison.

When did you go to prison? The 19th of last month, December.

Had you been then cited as a witness at this trial? Not at that time, but it was understood that I was to be.

Had you been precognosced? Yes; they wanted me to go into Mr. Gemmill's to be examined, and I refused it, and I got no peace after that.

You stated you were against the strike in 1837? Yes.

What wages were you earning at that time in the mills? From £1 to £2 a-week; some of them made more, but not many.

What did you earn at that time? 23s. or 24s: they that were spinning fine numbers, would earn as high as £2, or more.

What were the wages reduced to? About 8s. 1d. on the pound.

How much might a person make with the reduced wages? About £1 1s. a-week, at the same work at 24s. after the piecers were paid: the reduction did not apply so much to the spinners, as they kept so much off their piecers.

Did you make that? Yes.

How much might a person make at the finer thread, after paying the piecers? 34s. or 35s. at the reduced rates.

(By the Court)—You say that the toll duties were payable to the Chamberlain. Did you take the toll at an auction? Yes, at a rent.

And you had failed in paying your rent? In consequence of the building of some bridges, I considered that it brought me in for too much, and I suspended

but I could not find sufficient caution, and after carrying on for some time, the expenses became too great, I had to give it up.

ARCHIBALD ALISON—(Examined by Mr. HANDYSIDE)—You are sheriff of Lanarkshire? I am.

How many years have you filled that office? Three years.

Had you your attention called as sheriff to the strike that took place of the cotton spinners, on the 8th of April? It took place on the 8th, and my attention was immediately attracted to the subject, as I imagined something would go wrong—from that to the present moment.

Be so good as give us a detail of what came within your knowledge, and fell under your observation, as the head of the police in Glasgow. For the first fortnight after the strike took place, there was no outrage at all—at least not reported to me. In the beginning of May, however, I heard of assemblages of large bodies of men. Information was sent to me that there were meetings in different places in the town, and that they were assembling in great numbers at Oakbank, the manufactory of Johnston and Galbraith, beyond the Cowcaddens. When I first heard of it, I was confined to bed, but as soon as I could get up, I went out to see what was going on; and I sent instructions to Captain Millar, the superintendent of the Glasgow police, to have as large a body as possible present. The tumultuous assemblages had gone on for several days before I saw them. When I first saw them was, I think, on the 8th of May. There was, I should think, about from 500 or 600 to 800 people assembled on the road leading from Cowcaddens to the Oakbank cotton mill. The whole street was filled with them, more or less, for nearly a mile. As long as I was there, there were no assaults: the workmen had not come out at that time. At five o'clock in the afternoon, they came out under the protection of the police. I found a large body of men in the Oakbank factory, armed with large sticks, and also 25 police. In consequence of what I saw of this large assemblage, I made a communication to the magistrates. A meeting was called of all the magistrates of the city, and of the magistrates of the suburban districts. A proclamation was then drawn out, warning all the workmen from meeting in such tumultuous bodies.

You knew that Oakbank was one of the factories at which spinners had struck work—was there an attempt to open it with new hands? Yes, about 20 or 30 new hands, and I saw about a dozen of the men themselves their faces streaming with blood,—this I saw on the 8th of May: the magistrates agreed to the necessity of calling the military next morning: at 9 o'clock I went to Col. Fleming, commander of the garrison, and at his door met with the Colonel of the Lancers, in uniform, with an orderly behind him: I met this gentleman on the street opposite Colonel Fleming's door, and it was agreed that a squadron of the lancers should go up to Oakbank that day: the lord provost himself was to meet them: from the circumstance of there being a guard of the workmen kept about the sheriff's office, to see who was going out and in—some people appointed by the Association, I apprehend—constantly stationed there, I wished to see if any similar guard was placed about the garrison; and I was struck on seeing two men of a similar appearance keeping watch at the house of the commander of the garrison: Colonel Fleming and Colonel Campbell and I separated; and I met the provost at two o'clock: we went to Oakbank factory, but when we arrived we found nobody there but a crowd expecting to see something.

Am I to understand from what you witnessed at Oakbank, you thought it necessary to see the commander of the military force for protection? It was absolutely necessary, as it would have been utterly impossible for the whole civil power of Glasgow to compete with the men there: after that there was no further assembly at Oakbank.

Did you receive farther accounts after this day of other mills being beset? About a week after I heard that the mobs were beginning at Mile-end, the southern district, in greater crowds, where the police did not extend to, and which is under the county.

Previous to the last assemblage, had you issued a proclamation warning th

people against breaking the law? Yes, warning them of the circumstance that being in an illegal meeting,—a meeting for the purpose of intimidation,—was contrary to law; and intimating a determination to suppress such meetings and to punish those attending them, and to protect industrious workmen.

Read the proclamation. “Proclamation by the Lord Provost and Magistrates of Glasgow, the Sheriff of Lanarkshire, the Justices of Peace for the Lower Ward, and the Magistrates of Gorbals, Calton, and Anderston.—Whereas, in the course of the last few weeks, numbers of spinners, employed in cotton factories in the city and suburbs, have ‘struck work;’ and whereas, in the vicinity of several cotton mills, in which other persons have been employed, these persons have, when going to and from their work, been wantonly insulted and molested, and some of them severely maltreated, and the public peace disturbed, by crowds of disorderly people: and whereas all assemblages for the purpose of intimidation, though unaccompanied by actual violence, as well as all acts of molestation, are contrary to law, and productive of evil, not only to the community generally, but especially to the operative classes themselves, and subversive of the great principle of freedom, by which every individual has a right to give his labour at the price which he thinks proper, and is entitled to pursue his lawful employment, without intimidation or annoyance:—the Lord Provost and Magistrates of Glasgow, the Sheriff of the county, the Justices of Peace for the Lower Ward, and the Magistrates of Gorbals, Calton, and Anderston, deem it proper, in this public manner, to reprobate such proceedings; and to intimate their firm determination instantly to suppress and punish every attempt at violence or intimidation, to disperse all crowds assembled for such disorderly purposes, and to protect the industrious workman, by the force which the law has placed at their disposal.—Council Chambers, Glasgow, 13th May, 1837.”

And you say in your official capacity that what is contained in that proclamation is true? Yes.

You are speaking about Mile-end—did that outrage come before you? I gave instructions at Mile-end that the great object was to get some prisoners, to shew how the law would be enforced; and accordingly some prisoners were brought in: first there was a man who was not defended by the Association, and he was sentenced to three months’ imprisonment in bridewell: then Keddie was tried, and was defended by the agent of the Association.

Is that the complaint made before you? (shewing witness No. 43 of inventory.) Yes, this prisoner was defended with great keenness and great ability by Mr. Gemmill for the Association; but Keddie was convicted by clear evidence, and I was going to pronounce sentence against him of three months’ imprisonment in bridewell, when Mr. Gemmill stated that he was a respectable man, who, he thought, had been led into an unfortunate predicament, more from ignorance of the law than an intention to do wrong; and if I would postpone and direct the procurator fiscal not to move the sentence, he thought he would have influence with the Association to give up these proceedings altogether: I told him I would be happy to agree to that, and, to give him an opportunity to see his constituents, I would delay for a week, and in the meantime accept a bail of £10: this was done accordingly: at the end of the week Keddie was again brought up, and Mr. Gemmill stated he had had a meeting of the Association, and that if I would not pronounce sentence he would agree to stop the riotous proceedings altogether: there was seven other persons indicted at the same time in a summary form, and I told them if they would continue to keep the peace they would not only be suspended, but abandoned altogether, and not brought to trial: at the first diet, Keddie was found guilty of the complaint as libelled, and the diet continued from the 22d till Wednesday the 29th of May, when he was again to appear, and on the 29th he appeared: and on the 30th an interlocutor was pronounced postponing the thing for six weeks, to give them time to carry their propositions into effect.

After pronouncing this judgment, did you leave Glasgow? Yes, I was absent in Mid-Lothian till the 14th June.

After you returned, did reports reach you of violence? On the 14th I received

information that there was to be a great meeting on that day; and I met with the provost and magistrates, in case it would be necessary to call out the military. I thought it possible that assistance might be necessary. From the 14th till the committee were arrested on the 29th of July, the complaints were almost perpetual—complaints of violence,—complaints not of mobs, but of acts of violence and attempts at fire-raising. I thought it would have been impossible to keep the peace at that time, without a hundred mounted patrol, and as many foot, independent of all the force of the police.

What other complaints were there than fire-raising? Isolated assaults, not mobs. There were several attempts at fire-raising—throwing combustibles into mills, and breaking into houses.

Were the persons who were assaulted nob? They were new hands—nobs. The mills into which the combustibles were thrown were cotton-mills.

Was any house of a cotton-spinner attempted to be set on fire? A report was given in of combustibles having been thrown into the house of a master cotton-spinner, and other acts of a similar kind. There were very often two or three complaints at a time. Persons came up to me on the street wanting protection, wanting the police, wanting the military.

Was there a crime of a deeper dye afterwards reported? On the 23d of July, I for the first time heard of the murderous assault on Smith, which had taken place on Saturday night. I did not hear of it officially till Sunday the 23d.

Did you communicate to the Home Secretary, and obtain authority to offer an additional reward? Yes, I got authority to offer a reward in the exact terms contained in the proclamation.

Smith died on the Tuesday following, in the Infirmary? Yes.

An investigation was immediately set on foot? Immediately. The facts of the case, so far as the commission of the crime was concerned, were very soon found; but no traces were found as to the person or persons who committed it. I got information from Mr. Salmond on the 28th that there were certain parties who were willing to give evidence, if there was any way of protecting them from danger in the meantime. I met the people in a secluded place in Glasgow, because they would not come to the sheriff-clerk's office. I met them in a vault in one of the public buildings in Glasgow, and took their declarations. We got information at the same time that the name of an individual was to be given next day. I heard the committee were to meet on Saturday, and that probably they would be all there. I determined to arrest the whole committee at once, if possible, and determined to go with the police myself. I thought there would be resistance. The committee met in the Black Boy tavern, and we got information that they had been there since 9 o'clock on Saturday morning till 9 o'clock on Saturday night—the whole committee. We got a body of 20 policemen from Captain Millar, and went to the committee-room exactly at 10 o'clock (29th July), where we were fortunate enough to get them altogether, and arrest them all at once.

You discovered certain books and papers? Yes, some papers in the room where they were sitting, and a great number were found in an iron safe in a large room, and in a table-drawer.

You examined their papers, and took possession of them? Yes, took possession of them all. I was accompanied by Mr. Salmond, Captain Millar, and Mr. Nish; the police were left on the outside of the house. There were 15 men arrested there; and three others, the guard committee, arrested by Mr. Nish in another place in the same house. The prisoners at the bar were amongst those who were taken; with the exception of M'Lean, who was not taken at that time. M'Lean was taken some days after.

Did the outrages and the acts of violence cease after that? The acts of violence for the month previous had not been confined to the cotton spinners; there had been acts of violence from all operatives; but since that time down to this day, there had not been an act of violence in Glasgow from any one body of operatives. There have been no cases of combination reported, or which I could trace

from that day to this. The strike is at an end now. There was a public meeting held on the Green on Saturday to deliberate what they should do on Monday. And on Monday, the 31st of July, the strike terminated; and then all came in either on the Tuesday or Wednesday. Within four or five days after they all came in, and since that time the mills have been working as usual, and have never been put a stop to.

(Cross-examined by Mr. ROBERTSON)—Was there a meeting on the 14th June? Yes.

There was no mobbing? Not at all.

Was that a meeting in which Dr. Taylor took a share? I understood it was.

A meeting of all the operatives? I think it was; I knew that Dr. Taylor made a speech there.

The Court complimented Mr. Alison on the clearness of his evidence.

HENRY MILLAR, Superintendent of the Glasgow Police—(Examined by Mr. HANDYSIDE)—You are superintendent of the Glasgow police establishment? Yes.

Did you receive any report of assemblages of men surrounding Oakbank cotton mill? Yes.

When? About the middle of May.

What was the nature of the assemblages that took place? A great body of turn-out spinners surrounded the mill.

What did you do? We went to the Oakbank factory with a party of police officers, to station them there to protect the new hands.

What did the police do? They accompanied the spinners home on leaving.

This was found necessary? Yes.

Did you see any persons who had marks on any of these occasions of being assaulted? No.

You know persons of the name of Gordon and Farmer? Yes, they called at the police office about the evening of the 11th or morning of the 12th of May.

What was their errand there? That they might be escorted to the mill on the morning, in consequence of what happened to them on the evening of the 11th.

Oakbank is within the royalty of Glasgow? Yes.

You know that a proclamation was issued about those assemblages? Yes.

Did you still continue your forces at Oakbank? A short time afterwards.

Your duties are confined to the royalty of Glasgow? Yes.

You do not go about Bridgeton and Hutchesontown? No.

ALEX. ARTHUR, Master Cotton Spinner—(Examined by Mr. HANDYSIDE)—Are you manager of the Adelphi cotton mill? Yes.

Did the spinners in your mill strike work in April last? Yes.

How long did you remain shut? We shut on the 10th of April, and opened on the 4th of May.

You spin the lower numbers in that mill? Yes, rather the second kind.

I believe it is more easy to instruct new hands in the coarse numbers than the finer? Rather.

Did your owners resolve on opening their work with new hands? Notice was given to the old hands, if they liked to take the reduction, they would get the preference—if not, we would take new hands in.

Did you take new hands in? Yes.

After you had taken in the new hands, was the mill watched? Yes.

By whom? By the turn-out spinners.

Were the new hands molested? Yes.

Explain how? They gathered in great bands round the mill, and when they went out, would throw stones and dirt on them: we had to lock them up altogether for some time, and get beds for them.

(By the Court)—Did that necessity continue for some days? It continued for some weeks.

(By Mr. HANDYSIDE)—Were any of the new hands assaulted? Yes, David Grey and one Kean, particularly: we were whitewashing, and they were taking a

walk up the street a little bit, and they were attacked there : I did not see it, but I found they had been maltreated, and went and assisted them in.

(By the Court)—Were they wounded? Not particularly—some marks on one of their cheeks, and one of their teeth was a little loose.

Was the marks on Grey's or on Kean's cheek? On Kean's.

(By Mr. HANDYSIDE)—Did you receive any letters containing threats against yourself? Yes.

Look at that—(shews witness No. 17 of productions)—dated 20th June—did you receive that by the post? Yes.

Look at this—(shews witness No. 15 of inventory)—did you receive that also by the post? Yes.

What date? 3d June.

Turn and look at the post mark—what is the post mark? 3d July.

Do you know the prisoner M'Neil? Yes.

Did he spin in your mill previous to the strike? Yes.

Had you ever occasion to see him write? Never.

Had you ever any quarrel with M'Neil? Never had a word with him.

What were your prices before the strike? 3½d.

How much might a good workman make with you before the strike? 24s. and 26s. to 28s. a-week.

What was the wage proposed and rejected by the spinners? The reduced rate—they make 24s. now.

Is that what the masters proposed? Yes, and what both the old and new hands are making now.

(By the Court)—Is that after paying the piecers? Yes.

JOHN BRYSON, Manager of Norrie's Mill, Greenhead—(Examined by Mr. HANDYSIDE)—You are manager of a cotton mill at Bridgeton, Glasgow—Mitchell and Norrie's mill? Yes.

Did the spinners in your work strike in April last, on account of a proposed reduction of wages? Yes.

Did you take in new hands? Some time after that.

Do you remember of the night of the death of John Smith? I recollect of hearing of it—there was a good deal of talk about it.

Do you know that he was shot on a Saturday night? I was led to believe so.

Do you know the day of the month? I do not.

Look at this letter—what is the date of it? 24th July, 1837.

Did you receive it by the post? Yes.

When did you receive it—look at the post mark? It must have been on the 24th July : it bears the Glasgow post mark 24th July.

After you had taken in new hands, was there any guard on your mill? Yes, a guard on our mill and on another mill conjoined.

Who put that guard? The proprietors of the mills.

That was a guard for security? Yes.

Why was this guard placed there for security? There was some damage : it was put on purposely to protect the new hands : they were first put into a private house, and we were obliged to put them into the factory : they slept there.

Why did they leave the private house? The landlord complained that his house was disturbed.

(By the Court)—Were any guards at any other time placed there? None.

Had your hands been molested by the old hands? Not to my knowledge.

(Cross-examined by Mr. P. ROBERTSON)—Do you know M'Neil? Yes.

How long? Three or four years.

And what sort of character? I never knew any thing against him : I always considered him a steady well-behaved man, so far as I knew.

Was he in your mill for some time? For some time.

Does he attend the same church with you? He did ; I have seen him in the church.

Do you know Gibb? I do.



How long? For two years or two years and a half.

Has he borne a good character, so far as you know? As long as he was in our employment, I never knew any thing against him.

How long was he in your employment? Some months—perhaps eight months.

And still he was a well-behaved man? Yes.

The SOLICITOR-GENERAL read M'Neil's declarations.

LORD JUSTICE CLERK.—Gentlemen, this declaration of M'Neil's has been proved by two witnesses, and is now to be read.

(Mr. Neaves, Clerk of Court, then read the declarations of 31st July, 5th August, and 1st September.)

HECTOR GAVIN, Engraver—(Examined by Mr. HANDYSIDE)—You are an engraver in Edinburgh? Yes.

You have turned your attention to the differences in handwriting? I have.

And you have been frequently examined as a witness in courts of justice regarding the identity of the handwriting of documents? I have.

Look at these three papers called declarations—I believe you have seen them before—signature Richard M'Neil, you recognise the signatures? Yes.

(By the Court)—All the signatures of the declarations are similar? Yes, in the same hand.

(By Mr. HANDYSIDE)—Look at this, (shews witness No. 8 of productions), is that in the same handwriting with the signatures of the declaration? It is.

(By the Court)—Is the whole writing of the minute in your hand the writing of M'Neil? Yes.

(By Mr. HANDYSIDE)—Now, look at that letter signed C. T. (shews him No. 17 of inventory)—this letter is in the same handwriting as the minute, and in the same handwriting as the person's who signs the declarations? The handwriting of Richard M'Neil.

(By the Court)—Are you quite satisfied of that? Yes, my Lord.

Have you had an opportunity of considering it deliberately? I have.

Is it in any way disguised in that letter of 20th June? The writing is not written with the same degree of freedom as that minute.

Has it the appearance of being in any way disguised? Yes.

Is it from the whole style of the writing or shape of the writing that you give that opinion? It is not so sufficiently disguised as to prevent us from seeing that it is written by the same person.

(By Mr. HANDYSIDE)—I put in his hands No. 9, 10, and 11 of inventory—look at these letters?—you have seen these letters before? Yes.

Do you find any mark that it has been shewn you before? Yes.

Take the others—have you examined these three? Yes, I did.

Are the two which are compared signed Richard M'Neil? Yes, two signed Richard M'Neil—the other is a broken letter.

Are they written by the same hand as the papers you have now spoken to?—I speak about the whole of these two letters—are these two letters you are examining in the same handwriting with the other papers you are examining? They bear a considerable resemblance, but they are more disguised than the other letter, and I could not speak so positively to them.

When did you last see these letters? It might have been 5 or 6 weeks ago, or more.

Did you examine them more than once? Only once—there is at the outset of the letters, in the date, an attempt at alteration and disguise in the figures, just as a person not wishing to give you the genuine signature, and I find this in the subscription: it applies to both these letters.

What do you say of the broken letter? Much the same thing applicable there: Glasgow is not in the same style as what I see to be the signature of Richard M'Neil.

There is no disguise in the signature of the letter of 20th June? In the G. L. there is no disguise—but in the body of the letter there is disguise—the disguise

was through the body of it, not at the beginning—(the G L. are in the word Glasgow.)

(By the Court)—Let us hear what the contents of these letters are—are they of any use?

(Previous to reading, Handyside proceeded to identify another document.)

(By Mr. HANDYSIDE)—Look at that book—(the allment book, No. 4 of inventory)—have you read over these names there? Yes.

It is the handwriting of Richard M'Neil? It is the handwriting of the individual who wrote the minute, and wrote the letter of 20th June, and signs these three documents.

What is the title? It commences with a string of names.

But before the names? "The following names have been added by the guard committee."

The names you see are in the handwriting of Richard M'Neil, and the words you have now read, in the same handwriting? Yes, the words I have now read, and a long string of names here.

Turn over the pages of that book, and see if you see any more of the same handwriting? Next page, 4 names at the top of the page, in the same handwriting: there is no more writing.

Well then go backwards? Yes—plenty backwards.

Look at that writing, and see if you see any more of the same writing? In the commencement of the page, marked No. 1, it is in the same writing as Richard M'Neil's writing.

Now turn over and go forward from the beginning—do you see more of the handwriting? The handwriting varies, and has a different appearance, though it may be written in the same way: the look is not uniform.

I ask you of the general handwriting in the book? I open up to page 19, and the whole of it has all the appearance of Richard M'Neil's writing.

See if there is any other page you can fix upon? There are other people's writing besides M'Neil's here.

But generally, do you think the handwriting in which the book is written is M'Neil's? It is quite evident that there are more handwritings here than one person; but I see M'Neil's handwriting in the book.

Then read these letters—(Mr. Neaves reads the letters No. 9, dated Committee rooms, 16th May, 1837. Then the letter 24th May, 1837, signed Richard M'Neil, and addressed on the back for Mr. Hacket, Manchester, and another of 28th May, 1837, addressed also to Peter Hacket, Manchester.)

HUGH WILSON—(Examined by Mr. HANDYSIDE)—You are an engraver in Glasgow? Yes.

You have seen that minute before? Yes.

Now look at the signature at these declarations? I have seen them before.

Assuming them to be the genuine signature of Richard M'Neil—look at this letter (shews witness No. 17 of inventory). I have seen it before.

What do you say to the handwriting? The two are in the same handwriting—the minute and letter of June 20th.

Look at this—(shews witness No. 9 of inventory)—a broken letter—you have seen that before? I do not think I have: I am sure I have not.

THOMAS CLARK, Engraver, Edinburgh—(Examined by Mr. HANDYSIDE)—Look at these documents? I have seen them before.

You have three declarations there, signed Richard M'Neil? Yes.

You have a minute there with a seal? Yes.

And a letter signed C. T.? Yes.

Now the signatures to the declarations and writing of that minute, being the writing of the individual, you are asked whether the middle letter is in the same writing? Yes.

All in the same handwriting? That is my opinion.

Look at these 3 letters—(Nos. 10, 11, and 12, of inventory) one is without a signature—have you seen these 3 letters before? I have.

What is your opinion of the handwriting? I paid little attention to these 3 letters, because I was directed chiefly to the minute, and this letter of the 20th June: I have no doubt about the others.

(By the Court).—From the partial examination you have made of these 3 letters, do you think they are the same as the others? They have a very strong resemblance to those I have spoken to.

THOMAS DONAGHEY.—(Examined by the SOLICITOR-GENERAL).—You are a cotton-spinner? Yes; I have been so for some years.

Were you at one time in Mile-end spinning company? Yes.

When did you go there? I do not remember just now: I think it was about last July.

Did you go there during the strike? Yes.

Were you working there at reduced wages? Yes.

Where were you lodging at that time? In Savoy-street, when I went to Mile-end.

Did you come to Reid-street? I did.

With whom did you lodge there? With Marry Divan, or Michan, a widow; I lived with her a few weeks while working at Mile-end.

Do you recollect any of the cotton spinners who had struck, speaking to you about not working in the factory? Yes.

Did they try to persuade you to it? Some of them asked me civilly several times to do so.

What answer? That I was not inclined to do so—that I wished to continue at work.

Did any of them threaten you at all? Not till the night they made the attack on me.

What night was that? As near as I can recollect, between the 29th June and 1st July: I went to bed between 9 and 10 o'clock, and some time during the night, I think before 12 o'clock, the woman came to ask me if I heard any thing: I said I did not; she said there were some stones that came in by the window, and I asked her what o'clock it was: she looked, but I do not remember what hour it was: I think she said it was a few minutes to 12, but I cannot exactly say.

You had been in bed some time before? Yes, about two hours.

Did you rise? Not at that time.

Did you hear a noise after that? I heard like cheers in Dale-street after that a considerable time; and some time before 2 they came back, or at least people came to the door, and desired me to open.

Did you know the voice? I did.

What was the name? Thomas Riddle.

Was he a cotton-spinner? Yes.

What shop was he in? In Hussey's mill.

Was he working there? I think he was before the strike.

But he had struck? Yes.

What did he call to you? He called me by my name, and desired me to open.

Was the window up? No.

Did you open? No, I lay and listened till they knocked again: I made no answer; and they said if I did not rise and open the door, they would force it open: I still made no answer, and they commenced to break open the door, and Mrs. Michan desired them to go away.

What happened? They said they would not go away till they would see me.

Did they continue breaking the door—did they force it open at all? They broke out one of the panels.

Who broke the panel? I cannot say, but Riddle was the first that came in: he put in his head and shoulders, and spoke a considerable time before he came in.

You did not open the door to him? No.

Did you and Mrs. Michan resist? She held the door, and I stood in the middle of the floor: I did nothing, but I had a pistol in my hand, and threatened to fire upon them if they did not go away.

Did they mind your threat? Riddle was for going away, and some of them behind urged him on.

What was the result of all this? Riddle asked me again would I give over working: I said, provided they would go peaceably and quietly, I would be out that same morning by 8 o'clock.

That is, you would join the strike? Yes.

Did that satisfy them? He desired me to give him my hand, and I gave him my hand.

Was he satisfied then? Now, said he, promise that you will come out at eight o'clock, he said—"say I declare to God:" I said so: they then went away without coming in, but I think they did not go farther than the foot of the stair, when they returned, and said they would be in.

What did you do when they came back? Riddle then came in by the panel.

Were the others with him? The rest were behind him: they were going to come in by the panel after him, and I told Mrs. Michan to open the door the last time: they demanded the pistol from me.

Did you give it? I hesitated a little: upon their asking it a second time, I gave it up.

Who did you give it to? To Thomas Riddle.

Did he try it if it was loaded? Yes, he snapped it at the door, and put it in his pocket, and carried it away.

Did any thing farther pass while they were in the house about your promise? I do not recollect: some words passed, but nothing that I can recollect that was serious.

What else passed? They wanted to take me out to treat me, and I would not go.

Did they remain long? Not past a quarter of an hour.

Did they leave you then—did you see any one else besides Riddle? Richard M'Manus and a lad of the name of Thomson, and Nicholson, and another, whose voice I knew, in the outside, but he did not come in—Thomas Caffie.

Were these men cotton-spinners? Yes.

Were they engaged in the strike? I knew them all to be struck.

Were any threatening expressions used towards you? Yes, before they came in.

What were they? I heard Caffie say two or three times to let him in, till he would tear the nob buggar's guts out.

Were you standing when they made you declare to God? He could not rise up in the panel, and he desired me to bend down and come even with him, and instead of bending down, I went down on one knee, and took his hand: he desired me to bend to him.

Did you change your lodging or remain there? I changed my lodgings.

Did you leave your work or remain? I went to my work next day, and continues there still.

Did you hear Thomson say any thing in particular? Some of them were going to lift hands against me, and he would not allow them to do it.

Did he make any observation? He said if they would strike me they would strike him too, or he would strike them rather.

Did M'Manus say anything on this occasion? Not that I remember.

Was anything said about informing? I think they said that they knew if this would come forward they would be transported, or something of that kind, but they did not care.

Did they threaten you in any way? Not that I can recollect.

MARY DIVAN, or MICHAN—(Examined by the SOLICITOR-GENERAL)—  
You are widow of Geore Michan? Yes.

You know Thomas Donaghey? Yes.

A lodger of yours last summer? Yes.

You lived at that time in Reid-street, Bridgeton? Yes.

Donaghey was a spinner in the Mile-end company then? Yes.

Do you remember one night being awakened by some noise? what day of the

month was it? I think it was on the last day of June, or first of the month of July, about 11 o'clock.

What awakened you? The noise of the window—the window was broken in.

Did you find any stone in the room? Yes.

Did you hear any noise in the street at this time? None till after the window was broke.

What sort of noise was it? Some small talk like as if people were going past.

Did anything else pass? The next thing was their coming to the door.

What time? Sometime after this, between that and morning—cannot say exactly.

What was done? There were voices outside the door.

What did they say? They called for the nob.

That was Donaghey? Yes: they called to get in to him.

You kept the door fast? Yes, as long as I could.

You rose out of bed? Yes.

Was there driving at the door? Yes, some heavy noise.

Did they drive down any part of the partition? Yes.

Did you receive any injury from that? Yes.

What injured you? A brick came down on me.

Was there a panel broken? Yes, a man came in through the broken panel.

Do you know him? One of my own neighbours—Thomas Riddle.

What did he want? To see the nob, and he promised to come out that morning at 8 o'clock.

How did he make him promise? I could not exactly say the words that passed.

Did you see Donaghey get down on his knees? Yes, but I could not repeat exactly the words he said.

Did you hear Riddle ask him to make use of the words by God? I could not say.

You were in a state of terror and alarm? I was.

Did Riddle go away and return? He went from the door and came back again.

He came in through the panel, and I opened the door and let the others in.

Did you know them? They were Archibald Thomson, and one M'Manus.

Did you see M'Caffie? I did not see that man, he was outside.

Had Donaghey a pistol? He had.

What became of it? Tammy Riddle took it from him.

And then they went away? Yes.

Did Donaghey leave your house next day? He did: I did not like to keep him any longer for fear of more danger.

JAMES WOOD, partner of Francis Wood and Company, Cotton-Spinners—  
(Examined by Mr. STEWART)—You are a partner of the company of Francis Wood and Company? Yes.

Is their mill situated in James-street, Bridgeton? Yes.

Did the workers in that mill join in the strike in April last? Yes.

And all left it? Yes.

Your dwelling-house is also in James-street, Bridgeton? Yes.

Did you afterwards take any new workers into the mill? Yes.

About what time? About six weeks after the strike.

Did you observe whether there was any guard or watch set on the mill after you took these new hands in? Yes.

Of what description? Cotton-spinners—turn-out cotton-spinners.

How was it watched? Regularly watched: sometimes from four to a dozen, and during the whole day from morning till night.

Did any of the new hands leave you? There were two.

Do you know the cause? No.

Did any thing happen on your dwelling-house one night after that? It was, I think, between the 11th and 13th—I think the 12th of July.

About what time? A little after 12 at night.

Where were you sleeping that night? I had occasion to sleep in the parlour, or intended to do it that night.

What happened? Just as I was going into bed, a canister came through the glass of the window, and it was blazing at one end.

How far into the room did it come? It came no distance into the room, because the window-blind stopped it.

Did you lift it? I caught it before it got to the ground: it was lying on one of the astricles of the window, resting on the blind; it was a white cotton blind, or stuff of that kind, and I observed it blazing before I started up to lift it.

Where was the flame coming from? From the top of it.

Was it open at one end intentionally where it was blazing? It was coming from the top of the lid: I caught it, lifted up the window, and threw it out.

Did you shut the window? Yes.

Did any thing more happen? Another came through after that, before I had time to shut the shutters.

Did it get into the room? No, it struck me in the breast: it was blazing also, and I caught it and threw it out.

Did you then close the shutters? Yes: I cried out from the window first for assistance.

Did any come? Yes: I heard voices in the street a little afterwards.

Did you afterwards go out into the street? Yes; about half an hour afterwards, as soon as I got on my clothes.

Did you look for these canisters? Yes, and found one of them.

Did you look for the other also? Yes, but I did not find it.

(Witness is shewn the canister). That is the canister, and I see the hole in the top where the flame came from.

What did you do with it afterwards? I went to the Fiscal's office with it, and gave it to Mr. Salmond.

Was it empty when you found it? Nearly so: there was some burned paper in the bottom.

(By the Court).—Did you hear any explosion? I had plenty of noise within without hearing that.

At first was it empty or full—did you find the weight of it? I could not recollect.

Both were blazing when they came in? Yes.

(By Mr. STEWART).—On the day after this happened, was there any change at the mill? Next morning there was no appearance of a guard.

Was there any through the day? Not any through that day.

Were the guards brought back afterwards? I cannot say: they were away for more than a day, but I could not say whether they came back again or not.

(Cross-examined by Mr. D. McNEIL).—What day was this—can you be more particular? It was the night of the 12th—I think it was: if it was on the night of the 12th, on the morning of the 13th there was no watch there, and if on the 11th, on the 12th there was no watch there.

(By Mr. STEWART).—Do you remember the day of the week? It was on Wednesday.

THOMAS BLANE, Clerk.—(Examined by Mr. STEWART).—You are clerk to Francis Wood? Yes.

Do you reside in James-street? Yes.

Is your house near to Mr. Wood's? Just opposite.

Do you recollect one night in July last hearing something happen to his house? Yes, on Wednesday night, the 12th July last.

Were you in your own house at that time? Yes; when I was in the room, I heard something like the breaking of glass. I went to the window and put it up, and saw light in the street, and a light as falling from the direction of Mr. Wood's window.

Did you see Mr. Wood at that time? No, but I heard his voice.

Did you assist him in looking for any thing? Yes; when I heard him cry out murder, I came down stairs: he called for the watchmen: he sent me up stairs for some men that were living there; and he took us into a small house,

and showed us a canister that some of his friends had thrown into the window at him.

Did you hear any explosion when looking over the window? Yes, before I came down.

One of those fire-lights that you saw exploded? Yes, the one that dropped on the ground.

Do you know whether the other exploded? I do not know—it was all scattered on the street: the one that I saw gave a crack like a pistol.

You did not see any of the remains of the one that exploded? No: the one that fell last exploded, and likewise died away—the light scattered.

Did you look at the canister itself when it scattered? No; it was the light that was scattered.

(By the Court)—You did not see the other canister at all, then, after it exploded? No.

JOHN FERGUSON—(Examined by Mr. STEWART)—You are a tin-smith in Stockwell-street? Yes.

Do you remember, in July last, of some persons coming to buy a canister from you? Yes, on the 12th, between the hours of 5 and 7.

How many? Three men.

What description? I could not say exactly; they seemed to be like workmen.

What did they purchase? Four half-pound snuff tin canisters.

(Witness is shewn the tin canister, No. 38 of productions)—This is the canister Mr. Salmend shewed to me: I did not recollect it when I looked at it: I thought it was my work, but told him I would know if he brought it down to the shop; I had six in the shop: I had six of them, and I found I had two left: I took the covers off them, and they just exactly fitted these two that were left: I tried them on both.

(By the Court)—From that examination and trying the lids, had you any doubt it was one of those that you sold that night? Not in the smallest.

Was there a hole in the top when you sold it? No.

Do you not know any of these prisoners? No: I was shewn them before; but I do not know any of them.

(By Mr. STEWART)—Is there a hole in the top of the canister? Yes.

Was it there when you sold it? No; I could not sell it with a hole in it: there was no hole—the thing was entire.

DONALD M'KENNON—(Examined by Mr. HANDYSIDE)—You are a clerk in William Hussey's, Bridgeton? Yes.

That factory spins the finer yarns? Yes.

A strike took place among the spinners in April last? Yes.

And their workers left them? Yes.

It is more difficult for those spinning finer yarns to take in new hands? It is.

Had Hussey & Son a considerable stock on hand at the time of the strike? A very large stock.

And they did not take in any new hands? None.

But kept their works closed? Not altogether closed—mechanics were there, but not the spinners.

Where was the stock kept? In a large room called the yarn room.

Is another room called the waste room? Yes.

What is kept in the waste room? Nothing but waste.

Does it lie loose on the floor? Yes, till packed up.

How is the yarn placed in the yarn room? Put in small boxes, tea boxes and soap boxes.

Did you make any arrangement of the boxes in the yarn room, in the end of April, or beginning of May? I think the boxes were arranged and put into rows across the floor.

(By the Court)—About the time of the strike? Yes.

(By Mr. HANDYSIDE)—Were they removed farther from the windows than before? No: they might probably be a yard off from the windows.

Do you remember any change made in the arrangement of them after the strike? I do not remember.

Do you remember the breaking of any of the windows of that factory in the morning? Yes.

Were you in the yarn room the evening before? I think I was, about 4 in the afternoon, but cannot be positive, but I was in it the next morning.

Was every thing in its usual order when you were there at 4 o'clock? Yes.

Did you lock it up that night? Yes, I locked up that room.

What was the hour? The yarn room has nothing to do with the locking up of the mill.

What time was it? About 4 o'clock.

You do not know when the works were shut up?

(Here witness was seized with an apoplectic fit.

GEORGE DARROCH—(Examined by Mr. STEWART)—You are in the employment of Hassey & Son, whose mill is in Dale-street, Bridgeton? Yes.

Do you recollect of something happening to the mill in May last? I recollect of seeing something in the morning.

Do you recollect the date? I cannot say—towards the latter end of the month.

What did you see? Some combustibles, or something of that description.

(By the Court)—Where was that? Up in the yarn room.

Was it among the yarns? It was near the yarns—it did not touch any of the boxes.

(By Mr. STEWART)—Did you observe how it got there? Yes, through the window, as far as I know.

Was the window broke? Yes.

Did you find any thing else in the mill—on any part of the premises that morning? Nothing.

(By the Court)—What sort of thing was it? There was a stone in the one end of it.

(Witness is shewn No. 41 of inventory)—This is like it.

Did you see another that morning? Yes; but I was not at the finding of it; I think it was Mr. Findlayson.

Do you know that the factory was shut up the night before? I cannot say—there was a watchman on it.

Look at the label on the combustible packet—is your name on that? It is here.

Can you say whether that is the one you found? I cannot say: it was the clerk that picked it up.

You saw it picked up? I saw M'Kennon pick it up.

When did you sign that label on the article? In Mr. Salmend's office in Glasgow.

(By the Court)—Two of the same kind of things you saw at that mill? Yes; the stone is still here.

The one you saw picked up had a stone? Yes, the one that has the label with my name.

Had it a burnt appearance when you picked it up? Yes.

It appeared to you to have been recently burning? Yes, it had the appearance of having been burning when it was thrown.

Was there any heat in it when you lifted it? I could not say that there was.

WILLIAM FINLAYSON—(Examined by Mr. HANDYSIDE)—You are clerk to William Hussey & Sons? Yes.

And were so in May? Yes.

Look at these things (witness is shewn the combustible packets)—Did you find one or either of those? I saw one of them lying before it was lifted.

Where was that? In a place where waste was lying.

Do you remember when this was? I took no note of the date.

Was it in May? I could not say.

(By the Court)—Was it during the strike? Yes.



Did you afterwards visit the yarn room? I visited the yarn room first along with David McKinnon, that he might shew me where he found the first one, and after that went into the waste room, and found one of these there.

Who lifted it? David McKinnon.

(By Mr. HANDYSIDE)—Did Mr. Salmond come out to inquire about it? Yes.

Were these given to him? No: I think Mr. Hussey took them into Glasgow.

Was the one you found lying near the waste? Yes, about a foot and a half from it.

(By the Court)—If it had been burning at the time it came first there, and had fallen among the waste, would the waste have taken fire? Yes.

Does the waste take fire easily? Yes.

(By the SOLICITOR-GENERAL)—You do not go into the waste room with any light? No, we never work in it but in day-light.

Just because of the danger? Yes.

(By Mr. HANDYSIDE)—Was there a piece of glass broken? Yes.

In the window of the waste room? Yes.

You saw a piece of glass broken in the yarn room? Yes.

(By the Court)—Were these panes broken near to where these things were lying? They were lying about two yards and a half from the window.

(By Mr. HANDYSIDE)—How high is the window from the ground? About 12 or 14 feet.

Did you see the work shut up the night before? I generally shut up the work, but I do not go up to the waste room at night.

The last time you were there that night did you see any broken pane? No.

Did you see any broken glass lying in the morning? Yes, as if the window had been broken.

Was there any change made in the arrangement of the boxes in the yarn room before that and after the strike? Yes.

What was the change in the arrangement? They were arranged in rows to get up easily through them to see what kinds they were.

Had they been in their former position, would any article like that thrown through the window have reached them more readily? Yes.

What might have been the quantity of yarn in the yarn room at that time? I did not take a note of the number of boxes.

But generally what might have been the value of the yarn in the room? £5000 worth.

What might have been the worth of the cotton waste? Not worth a great deal—£10 worth perhaps.

Do these two rooms adjoin? Yes; a door leads from the one to the other, but there is a partition between them.

(By the LORD ADVOCATE)—The wages of the workmen were reduced at the time of the strike? Yes.

What could good workmen make in the week at the time of the strike? At the proposed reduction, they would average £1—some of them could earn a good deal more—some less.

After paying the piecers? Yes.

What could they earn before the reduction? 25s. I dare say.

DAVID GRAY—(Examined by Mr. HANDYSIDE)—You are a cotton spinner? Yes.

Did you enter into the employment of Thomson & Sons, Adelphi, last summer, during the strike? Yes.

Was there a person of the name of Edward Kean also in their employment? Yes.

Did you meet with any molestation from the old spinners? Upon the 15th of June, two individuals came behind us, and knocked us down.

Where were you at this time? In Adelphi-street.

Do you know South Wellington-place? Yes.

Was it there? Yes.

Where did they come from? I could not say; they just came behind us, and knocked us down: we rose up and called for assistance.

Did you run off? Yes.

Were you pursued? Yes.

Were you overtaken? I made a sudden halt, and they ran past me: I expected to get assistance at the bridge.

Were you knocked down more than once? Yes, knocked down again.

Had you got any distance when knocked down a second time? Yes.

Was that in South Wellington-place too? Thereabouts.

When you were knocked down were any words used to you? At that time I did not hear them say anything, but I heard them, when I was pursuing, say, that ~~the~~ is coming after us yet.

When they first attacked you were any words used? Yes; I think they said, you deserve it, or something to that effect.

You ran towards Hutcheson-bridge for assistance? Yes.

What happened there? I got no assistance—that was the second time they knocked me down.

Did the persons who knocked you down go towards the bridge? Yes, and went along the bridge.

Were there people standing on the bridge? Yes, a great many on the bridge.

What were they? I took them to be a great band of cotton-spinners.

Did they give you any assistance? None.

Did they stop you on the bridge? Yes.

What became of the people that knocked you down? They got across the bridge, and the people on the bridge came between us: I did not get along the bridge; they stopped me.

Did you receive any injuries from this treatment? Yes: I was hurt in the ear.

Did you get more than one blow in the ear? Yes.

Did you receive any kicks? Yes.

(By the Court)—When on the ground? Yes.

(By Mr. HANDELSMAN)—Before this time, had you been threatened by any of these spinners? I could not say that I was.

Did you see old spinners about Thomson's mill? Yes.

When you left the mill every day did they say any thing to you—when going to your work or coming from it? I do not mind of them saying any thing to me more than another,—I do not recollect any thing they said.

(By the Court)—When you were coming out of the work did they call you names? Yes; nohs, and such as that.

(By Mr. HANDELSMAN)—You did not know the persons who attacked you? No.

EDWARD KEAN—(Examined by Mr. STEWART)—Are you a cotton-spinner? I am.

Were you in the employment of Thomson and Sons? Yes.

At the time the spinners were on the strike? Yes.

At reduced wages? Yes.

You know David Gray, who worked there also? Yes.

When you were going to and coming from the work, were there any of the old hands going about? Yes, many.

Did they molest the new spinners? Some of them,—one said to the other, is that one.

Did they call you names? Yes.

Did they call you nob? Yes.

Were you with Gray in June when some people attacked you? Yes, near Wellington-place, along by Adelphi-street.

What happened? We were walking together, when two men came rushing behind us, and Gray seemed to be taken from me, and I got a severe blow on the side of the cheek and was knocked down, and I endeavoured to roll out of the road and cried murder, and looking up I saw a tall man coming running so-

wards me, and seemed to put himself in the attitude to give me a kick : I cannot say whether I received it or not, I was in such a state, and then I saw him running towards Gray.

(By the Court)—Was he lying on the ground? He seemed to be making his way away.

Was it a severe blow you got? Yes.

(By Mr. STEWART)—You was in such a state at the time you cannot say if you received the kick? I was so confused on receiving the blow, that I could not say whether I received the kick or not.

Was you much injured by the blow? My face was a little injured.

Did it swell? Yes.

(By the Court)—You saw him running towards Gray—what more did you see? On getting up I saw two men pursuing Gray.

(By Mr. STEWART)—Did you see where Gray went? I saw him running onwards as I thought to the mill.

You did not see any thing more happen to Gray? No.

WILLIAM FLETCHER.—(Examined by Mr. HANDSIDE)—You are a cotton-spinner? Yes.

You work at the Adelphi-mill? Yes.

You know David Gray and Edward Kean? Yes.

You remember seeing them walking along Clyde-side in June last, after coming out of the mill? Yes.

Where were you when you saw them first? Coming along Hutcheson Bridge.

Were many people on the Bridge? Yes.

What were they, cotton-spinners—turn-out cotton-spinners? Yes.

Did you hear any person saying anything? I saw two of them coming along towards Gray and Kean.

Did you hear these persons say anything at the time? No: not at that time.

Did you hear them say anything at any other time? No.

Did you see Gray and Kean struck, or either of them, by these two men? Yes.

Did you see any of them knocked down? I saw Gray knocked down.

What became of the two men who knocked him down? Gray turned, and one of the men turned back twice to strike Gray.

Did you see Gray running to Hutcheson Bridge? Yes.

Did you see the man making along the way? Yes: he took along the bridge.

Did the other man take along the bridge too? Both of them, and got away.

Did Gray get along the bridge? He went to the other end of it.

Did he get along? He went to the end of it, and the manager came for him.

Is Mr. Arthur manager? Yes.

(By the Court)—Was there a crowd on the bridge before the two men started out of it—did they come out from among the crowd? Yes.

Dr. JAMES CORKINDALE.—(Examined by Mr. STEWART)—Look at these combustible packets—did you see them before? Yes.

To see what they were composed of. Yes.

You made a report on them? Yes.

Is that the report? Yes.

(Dr. Corkindale here read the report.)

This is a true report? Yes.

JOHN FARMER.—(Examined by Mr. STEWART)—Are you a cotton-spinner? Yes.

Do you know William Gordon, a cotton-spinner? Yes.

Did you enter together as spinners at the Oakbank factory? Yes.

Of Messrs. Johnston, Galbraith, and Company? Yes.

When did you enter? Sometime in May last.

You went together there? Yes.

Did you find any people at the gate of the mill when you went? Nobody disturbed us at that time.

Did you get into the mill without any molestation? Yes.  
 What time did you leave it in the evening? At 7 o'clock.  
 Were there persons about the mill when leaving it? Yes, a good deal.  
 What were they—were they spinners? Yes, there were some spinners among them.

What were they doing? They did not molest us when we came out of the mill gate—they were keeping the crowd back to guard us down the road.

Did they guard you down the road a piece—how far? A little bit near to the Phoenix foundry, and about a quarter of a mile down.

Did the guard come all the way with you? Yes.

What were they doing, when the watchmen left you? They began to throw stones at us: the watchman went up a bye road with some of the rest of the men, and I and Gordon had to go by ourselves: they began to throw stones at us.

Whereabouts was that? Near about the Cowcaddens toll.

Did any of the stones strike you? Two of them: one near the ear, and the other on the forehead, and I was hurt on the back in different places.

Were you cut? Yes.

And bled? Yes.

What did you do? Fled into a house.

How did you get home? The watchmen and constables got notice, and they came down and assisted us home.

Did you return to the mill after this? Yes, next morning at 4 o'clock, both of us: we went to the police-office, and they conveyed us to the mill.

And did they convey you again from it that same night? Yes: the masters took lodgings for us the second night, and the guard was so great that they would not let us come home.

Do you know if Gordon was hurt by the stones on that first occasion? Yes.

Did you know any of the persons in the guard at that time before you were struck? No, I never minded them; I had not time to look round me.

Was there a guard or watch set upon the Oakbank factory by the spinners? I could not say; but about two or three weeks or a month there were always men there.

Do you know any of the men whom you saw there? No; I knew very few of them: I was not brought up in Glasgow.

Tell us the names of a few of them? I have seen John Parker there.

Was Daniel Montgomery there? Yes; I have seen him there at different times.

Did you ever see William McLean there? Not that I can say.

Do you know him by sight—have you seen him there at any time? I could not say.

(By the Court)—Can you say or not say, upon your oath, that you saw him? I cannot take upon me to say I saw him myself.

(By Mr. Stewart)—Do you know Patrick McGowan? Yes.

Have you seen him there? Yes.

Do you know Robert Lindsay? Yes.

Have you seen him there? Yes.

Do you know one Michael Connovan? I know one Mike Connovan.

Have you seen him there? Yes.

(By the Court)—Did he appear to be looking after you and the other workmen? Yes, he appeared to be among the crowd, and came about the bank of the canal close behind the mill.

Did these persons see you and Gordon working in the mill from where they were standing? Yes.

Did they ever make any signs or motions to you? Yes, shaking fists at me; but not these persons: one day they held up their hands and drew their fingers the same as they would draw the trigger of a gun.

(By the Court)—You cannot say they were men who appeared to be guarding the works? No: they appeared to be just going bye.

(By Mr. STEWART).—How long have you been a cotton-spinner? I wrought none for five years till this happened.

(By the Court).—You were a sort of new hand, then? Yes.

(By Mr. STEWART).—But you had been a cotton-spinner before? Yes.

Were you ever a member of the Association? When I was working in Houldsworth's factory an oath was put to me.

Where was this? In a tavern in the Black Boy Close.

Who keeps it? William Smith.

Who put the oath to you? James Gibb there.

What year was that? I think it will be about five or six years ago.

Do you remember the words of the oath? The first words of it were the same as an oath put by a Judge; but I could not mention the words.

What was the purport of the oath? That I was to come out of Houldsworth's at the time: there was a habble about spinning prices: the mill had struck, and I had stopped in.

Do you recollect anything else about the oath? Yes: that they would be honest to me, and that I was to prove true to them; and that I was not to go back to the works till things were settled.

Was there anything about secrecy? Nothing but what I tell you.

Were any other persons present when the oath was put to you? There was Hugh Rae, William Morrison, and Robert Atkin, and some others, but I do not recollect them.

(By the Court).—Was James Gibb in any particular capacity when he administered the oath to you? I understand he was one of the committee men.

Were you a member of the Association before this oath was proposed to you? No.

Was you ever a member of the Association? No, except so far as that took place that night.

After that night did you consider yourself as a member? I cannot say: they said what was promised me.

(By Mr. STEWART).—Did you ever get anything from them? Yes.

How much was the alimony you got from them? 12s. a week.

How long were you paid? I received £21 altogether.

(By the Court).—What led you to go to the Black Boy Close? They had been at me every night, and waited at the meal hours for me.

Were you solicited to go to the Black Boy Close? Yes.

By whom? By Walter Morrison, and Hugh Rae.

Was it in their company you went? Yes.

(Cross-examined by Mr. D. McNEIL).—Is the back of the canal at the back of the factory that you talked of? Yes.

WILLIAM GORDON.—(Examined by Mr. HANDYSIDE).—How long have you been a cotton spinner? Since 1824.

Do you belong to the Association? I did, a considerable time after that.

How did you enter with the Association? I went into Houldsworth's on a strike, and I came out on condition to enter with them.

What was the inducement for you to enter with them? I wished to get work, and not be beholden to one master, but get to other mills.

Who applied to you to become a member? Walter Morrison and Hugh Rae came to me, and asked me out of the mill.

How long since? Five years ago, if I recollect right—they were spinners.

(By the Court).—Where did they take you to? To a house in the Gallowgate, Edward Dodds'.

Were you sworn there? Yes.

What was the oath you took? I do not recollect it all—it is a good while since I took it, and I have paid little attention to it since—I do not recollect any part of it but one; I was sworn to be guided by a majority of the trade in lawful matters.

Anything else? I cannot say that I recollect any of it—I paid no attention to it—I know what I have told you was the principal portion of it, at any rate.

Who administered this oath to you ? I think it was James Gibb.

Did they say what would happen to you if you should not keep the oath ? Not that I recollect of.

If you were to disobey, what was to be the consequence ? I know of no other consequence that would befall me than violating the oath.

Was there a Bible before you at this time ? Yes.

How was it used ? It was laid down open, and some portion of scripture was shewn me, but I do not recollect what it was.

(By the Court).—Nor what part of the Bible it was in ? No.

Was it near the beginning, middle, or end ? I could not positively say, but I think about the middle.

Did you get any word ? Yes, there was a word.

What was it ? I think it was Ashdod; but I do not recollect the place it was in.

Was there more than one word ? I could not positively say.

Did you ever hear the word Armageddon ? No, I never heard that word mentioned.

Or any word like that ? Ashdod is the only word that I remember.

(By the Court).—Although you do not recollect what the sign was, was there a sign for making the members of the Association known to one another ? I could not positively say.

Was there a sign of any kind ? I think there was a sign, but I could not positively say, for I never saw it since.

You were made a member of the Association that night ? Yes.

Were many others present when you were sworn in ? Morrison, Rae, and Gibb were present.

(By Mr. STEWART).—Your motive for entering the Association was for having a choice of more masters than one—why ? The trade kept a memorandum.

(By the Court).—For what purpose did you give up your work at Houldsworth's ? Mr. Houldsworth had a split with his men, and I took a pair of wheels ; and on condition of becoming a member I thought I would always get fair work in time to come.

Did you go to his work before you were sworn in or after ? Before I was sworn in.

So that your meaning is that if you had not become a member of the Association, the members would not allow you to go into another shop ? No, if they could help it.

(By the LORD ADVOCATE).—How would they have prevented you ? None of them would have come out of the mill to give me a day's work—they would not go out in their turn to let me get work, unless I was a member of the Association.

(By Mr. HANDYSIDE).—You entered the Association that you might have what you call fair play ? Yes.

Did you enter the Oakbank factory in May last ? Yes.

It was taking in new hands ? Yes.

The Association had a strike ? Yes.

And you left it on that occasion and went into the Oakbank factory ? I left it some time before that—five years since.

Did you meet with any ill treatment ? Not the day that I went in ; but I met with ill treatment the evening of the first day, when coming away.

Was John Farmer a worker there ? Yes.

When you came out at the gate, did you find many about the work ? There was a good number—a crowd ; but I could not say who it was composed of : there were a good many workers about the mill—power-loom workers.

(By the Court).—But was there any crowd of spinners ? I could not say I saw a spinner that night.

(By Mr. HANDYSIDE).—Was there anything particular that night ? Yes : there were some police ; they went with us, and left us afterwards to go home with some others ; and then the crowd threw a few fish-heads at us, and then threw stones at us.

Who were they? I do not know; they were boys and girls: I did not see a cotton-spinner among them.

Did these persons hoot and cry after you? Yes.

What were their cries? They hissed and cheered at times.

Did they not call you anything? No particular names that I took notice of.

(By the Court)—What did you think they were hissing for? For us going into the work.

You cannot take it upon you to swear you did not see a cotton-spinner among them?—you had been away for five years, as you swore, and you came back, and entered in the month of May this factory; and speaking of this crowd, you say emphatically that you did not see a spinner among them, to your knowledge, do you mean to say? I could not identify them—I knew a number of them in former years.

Do you mean to say that you saw none that you knew there? None that I knew.

Is it your meaning that you could not name any cotton-spinners? I did not see a man there that I could say was a cotton-spinner.

(By the LORD ADVOCATE)—Were you hurt at that time? Yes, I got a cut on my head, and blows on my back.

Was Farmer hurt? Yes.

What did you do then? We took refuge in a public-house; and the police came for us: we went to the police office next morning, and got three police sergeants to go with us.

Did you go to the mill from the police office? Yes.

Did you see any spinners at the mill when you went there? There were odd ones here and there; but none spoke to us.

Did you consider them to be guards? They were said to be guards, but I do not know.

Who called them guards? It was considered that when seen going about, they were guards—I have no other reason for saying so.

Did many persons come towards the mill in the morning? Not that I saw: when we went in, I did not look out again.

Was any language used to you by the persons who passed the mill? Not that I heard.

Were there crowds about the mill subsequently? Yes, there was a great crowd there the second night.

Did they use any language towards you that second night? None that I heard.

Were any threats used? No.

How long were you protected by the police in that way? We got lodgings provided for us the second night, and had not to go far from the mill.

(By the Court)—Was Farmer close by you at the time you got yourself cut? Yes.

Were you there on the 8th of May? I could not say as to the particular day of the month.

Were you in the factory when the Sheriff came? Yes, but I did not see him; I only heard that he was there.

That day, before the Sheriff came, had anybody broken into the mill, and committed any outrage? Not that I heard of.

Did you see any of the workers that were wounded and hurt—did you see Hugh Clark? It was at Barrowfield toll that he was hurt.

(By Mr. M'NEIL)—How many pairs of wheels were there at this mill at the time? 13 pairs of wheels then; but there are only 11 now.

The Clerk of Court was then desired to read the letter (No. 12 of productions) addressed to Hackett, and found in his house. Mr. M'Neil and Mr. Robertson objected to the reading of the letter, and craved to be heard in regard to it. The letter was understood to be in reference to the assault on Donachy. The debate was delayed till to-morrow (Friday), and the Court adjourned at 10 o'clock.

## THIRD DAY,—5th JAN. 1838.

(Court met at 10 o'clock.)

Mr. ROBERTSON.—My Lords, before I state the objection to the reading of the letter found in Hacket's house, and addressed to him, I have to request the Lord Justice Clerk to read the evidence of Cunningham respecting the things found in Hacket's house.

Mr. McNEIL.—Cunningham does not state when it was that he searched the house.

Mr. STEWART.—There will be farther evidence adduced on this point, and the statement of the objection may therefore be delayed in the meantime.

The Clerk of Court then read the declarations of Peter Hacket before Mr. Moir in Glasgow, dated 31st July and 1st September.

JAMES SMART.—(Examined by Mr. STEWART).—Are you superintendent of the Calton police? Yes.

You remember some of the members of the Association being apprehended in the Black Boy Close? I was not present, but I recollect the time.

Were you afterwards with Mr. Alexander Cunningham when he searched Hacket's house? I was.

Do you recollect when that was done? I do not recollect the date, it was after these persons were apprehended—it was perhaps four or five days after; not more, I think.

There were some papers and letters found in his house at that time? There were.

(By the Court).—You went with Cunningham? Yes.

(By Mr. STEWART).—Where were the letters found? In several parts of the house: some of them were found in a table drawer, and some of them in a drawer in a chest of drawers.

Were these places open or shut? Open.

Were there any other places in which they were found? No.

You say you do not recollect the date of that search? I do not.

Perhaps you are not thinking of the importance of the question, it is one of importance, so endeavour to recollect? It is impossible to recollect.

What led you to go there? I went to assist Nish's officer, Cunningham.

What month was it? I could not say the month.

You are sure it was after the apprehension of the prisoners in the Black Boy Close? I am sure of that.

You are sure it was not more than four or five days after? I think it was four or five days after I had heard of the apprehension of the cotton-spinners.

When you heard of the apprehension, you heard also of the day on which the apprehension took place? Yes.

Can you say how long after the apprehension? Not nearer than that.

When you heard of the apprehension, you heard of it as having taken place immediately before the search? Immediately before.

Was it the next day? I cannot positively say.

It was notorious in Glasgow? It was.

Was any body in the house when you searched it? Mrs. Hacket and the family.

Were those drawers in a room or in a kitchen? I think all the papers were got in the room.

It was not a large house, was it? A room and kitchen.

Was any body else with you besides Cunningham? I think there was another, but I forget who he was.

Was he an officer? Yes.



Of Glasgow or of Calton? I do not recollect who he was: he was either one of Mr. Nish's men or a sheriff officer.

[The Lord Justice Clerk recommended to witness, being a superintendent of police, to be more attentive to the duties of his office hereafter, and to be more accurate in his dates.] Witness was re-enclosed.

Mr. ROBERTSON.—I am indebted to the Court for having allowed the statement of the objections which I have to the reading of the letter addressed to Hacket to lie over till this morning, as the question to be discussed appears to me to be of great importance. The document proposed to be read as evidence to the Jury as applicable to one of the particular assaults is a document bearing to be dated 10th July, 1837. I do not intend to take my learned friends short. I argue the point as applicable to the general charge of conspiracy. It is a document bearing to be subscribed by a person of the name of M'Gowan, and addressed to Hacket, one of the prisoners. It is addressed on the back, 'Mr. Peter Hacket, Black Boy Tavern, No. 35, Gallowgate, Glasgow,' dated July 10th, charged 1s. 1½d. postage, and bearing the Glasgow post mark, July 11th. At the other corner are seen the letters, *ester*, and something like a little *h*, the letters *h* and *ester* being in red ink. I do not mean to dispute that it appears to have come through the post-office. It bears the subscription of M'Gowan; but who this M'Gowan is, whether it is a genuine document of M'Gowan's, or whether he was a member of the Association, or of any conspiracy arising out of it, we cannot tell. I am not aware that this name has been mentioned in this investigation till now:—if I am mistaken in this, I wish to be informed by my learned friends opposite.

LORD JUSTICE CLERK.—M'Gowan has been mentioned as a very important person. Most declares that one Davies moved for the appointment of a secret committee, which was nearly unanimously carried; and that a person the name of M'Gowan objected to it, as being disgraceful. His first name is not mentioned, but it is not said that he was another M'Gowan. Farmer mentions that he saw a Patrick M'Gowan.

Mr. ROBERTSON.—Well, then, all the statement we have as to this M'Gowan is that of Most, who does not give his first name; and a statement by Farmer that a Patrick M'Gowan, who is not proved to be a member of the Association, was walking on the canal bank. This is all the evidence we have of any M'Gowan. We have nothing to identify this M'Gowan, whose first name is unknown, or the M'Gowan who was seen walking on the canal bank with the Patrick M'Gowan whose signature is at this letter. I say we have no evidence that this letter is a genuine document,—we have no evidence of the handwriting. It is a letter merely transmitted through the post-office; and in that state of the matter, this letter, admittedly containing something, not merely as applicable to the general conspiracy, but said to contain something of evidence applicable to the particular act referred to. And where is this letter found? It is found in the house of Hacket. Cunningham states generally that it was found there; but he gives no particular period of time as to when it was found, or any detail of the persons who were along with him when it was found. Smart states that it was four or five days after the apprehension of Hacket, when Hacket was in jail under the criminal warrant as apprehended on the 29th July. Smart says he was present when the open drawers were searched, where the papers are said to have been found, but at what particular time, Smart does not recollect: and in such a slovenly manner has this search been made and conducted, that your Lordship found it to be your duty to intimate to this witness that this was not the manner in which such searches should be conducted. I say that the best evidence in this case is deficient in two most important particulars. The best evidence of the letter written by M'Gowan, is the evidence of M'Gowan himself to prove his handwriting. If he be the M'Gowan spoken to by the other witness, he is the more easily admissible, and better known to the Crown: and even this Patrick M'Gowan seen walking on the banks of the canal, is not proved to have been a member of the Association, —even this M'Gowan we do not know anything about; and we have no

M'Gowan to prove that he sent this letter to Hacket. Here is the first defect; but there is a second, and that this, that they have not stated the circumstances under which this letter was found in the possession of the prisoner, if ever it was in his possession at all. How does it appear that the prisoner Hacket received it? How does it appear that other persons may not have opened it, and cast it into one of those open drawers. It was found in the house, says Cunningham,—papers were found in the house, says Smart; but when found Smart cannot tell, except within four or five days after the apprehension of Hacket. There is not here the least evidence of the manner in which this letter was found. I do not know that I am even called upon to admit that this letter came through the post-office in point of legal evidence, although it may have passed through it in the regular way. It is laid down that the post mark on a letter may be proved where the fact is material, by any person who knows it to be genuine. The fact of the post mark in this letter is not proved by any body at all. I cannot admit that the post mark is here legal evidence that it went through the post-office to Hacket. We are here on a strict legal investigation, where the life of the prisoners are at stake; and the Court will no doubt pause before they infringe on the rules of evidence. All we have is a paper purporting to have the name Patrick M'Gowan attached to it, found in an open drawer in the house of one of the prisoners, and addressed to him; and other persons being there, and in the house when the search was made. This letter is not traced into the possession of the prisoner, and found in no lock-fast place. How do you know how that letter got there? Are we first to assume that it is a genuine letter without the evidence of Patrick M'Gowan? Again, are you to assume that it came through the post-office because there is a post mark upon it which nobody has identified,—which may have been forged for anything we know. Are we next to assume that the letter was received by Hacket; for unless Hacket received the letter, M'Gowan's writing it is of no consequence? Upon what ground is this to be assumed? All you have is that after Hacket is apprehended, and five days in possession of the Crown, a letter has been found some how or other in the open drawer of his desk; and that is to be produced and read as evidence, without any establishment that M'Gowan was a member of this Association, and wrote this letter to the prisoner Hacket. I assume that in a case of conspiracy, the declaration of any of the conspirators is evidence against all the conspirators,—I assume that any declaration made by any conspirator is evidence against all the others,—I assume that any act done by any of the conspirators is evidence against all the rest. What is the act done here? It is twofold,—either the writing of the letter, or the receipt of the letter. I defy my learned friends to push it farther. The act done is either the writing of the letter, or the receipt of the letter by Hacket. I put this case, the case of a conspirator going to Hacket and saying, you shall, to-morrow evening, hire M'Lean to shoot Smith. I admit that when that person is proved to be a conspirator, the statement of that person may be proved by a third party; or if that person had written a letter, I admit that the letter as proved might be adduced as evidence against other conspirators. But all we have here is a letter assumed to be written by a person not called,—not proved to be a conspirator; and that letter in an ordinary case could not be admitted to prove an assault. What is the act done? The only act that can be said to be done is the receipt of the letter. Till the letter is traced to Hacket, it is of no value whatever. If you establish it to be genuine, you are next bound to prove that Hacket received it. Then did he receive it? Has the Public Prosecutor brought the least evidence to prove this? There might have been better evidence got in regard to this,—a more effective fixing down of the receipt of this letter; and I submit that on these grounds this is not an admissible document. I pray your Lordships' attention to the authorities laid down in Hardy's case, and in the case of Martin. (Here Mr. Robertson read from the 2d vol. of Starkey, 235, the statement and the judgment in the case of Hardy.) The letter now under consideration of your Lordships is not a letter bearing to

be written by one of the conspirators; it is a letter bearing to be written by somebody of whom you know nothing, bearing a name similar to that spoken of by two witnesses. What I demur to here is that there is no act done,—that the contents of the letter written by M'Gowan, even if proved to be genuine, M'Gowan not being proved to be a conspirator, is not evidence against any of the prisoners. Then there is the case of the King against Sidney (Roscoe, 376.)—You are entitled to look at this as a case of conspiracy, and the amount of evidence to establish it; but in the present case you have no evidence connecting M'Gowan with this conspiracy or Association. The Public Prosecutor might have had him here, when the best evidence might have been adduced of the letter being written, and being received. The Crown having failed to prove a careful and accurate search, and to adduce the best evidence to prove the genuineness of the document, I submit that the letter is not admissible as evidence against the prisoners.

Mr. J. S. STEWART.—My learned friend, besides speaking to the general question, has founded it in one or two respects on one or two minor particulars, to which I will briefly advert. He supposes there is no law that this letter is proved to have passed through the post-office, although in point of fact it might have done so according to his own admission. Upon this point I shall only say, that the evidence we produce, that it passed through the post-office, appears on the very face of it; and this is *prima facie* evidence that it has passed through the post-office. Then my learned friend admitted that there was some doubt of the fact that this letter was found in the house of Hacket. He says we have not produced the least evidence to prove this. Now, what is proved in regard to the finding of this letter? We have proved that the house of Hacket was searched, in which various documents were found, and among others this letter, addressed by M'Gowan to Hacket. We have proved by Smart that he accompanied Cunningham to the house of Hacket, where these various documents were found, and that search took place four or five days after the apprehension of the prisoners in the Black Boy Tavern. I submit, that this is conclusive proof that the document in question was found in that house. But it is said that we cannot produce this document under the circumstances of this case. I pray your Lordships to observe what are these circumstances. This is a charge of conspiracy; and amongst other objects, one is to hire and employ and instigate individuals to commit various acts of violence; and, as members of this conspiracy, we hire, employ, aid and abet individuals in the perpetration of various acts of violence. It was stated incidentally yesterday, that this document, which we intend to tender, applies to the 10th charge, namely, the attack on the house in which Donaghey lived. I pray your Lordships to observe what is the nature of that charge. It is, that "the secret select or secret committee did, on the 30th day of June, 1837, wickedly and feloniously hire, engage, instigate, or direct Thomas Riddell," &c. "to invade with force and violence, under cloud of night, and when the inmates were in bed, one or more of the houses occupied or possessed by, or in which were lodging certain operative cotton-spinners then working in cotton-mills in Mile-end," &c. and then it goes on to say that the said "Thomas Riddell," &c. "did invade the house of Mary Divan or Michan, widow, and in which house Thomas Donaghey, operative cotton-spinner, dwelt or lodged," &c.; that they "did strike at, and batter the door with sticks or stones, until they broke one of the panels thereof, and made an entry into the said house or lodging," and so forth. They invaded the house of Donaghey, and committed the violence we heard of yesterday. Now, observe the *prima facie* proof of our evidence. We have proved the parties who invaded the house,—we have proved that they absconded, and that sentence of fugitation was pronounced against them,—we have proved that alimony was given by the Association to those parties—to the wife of Riddell and of Caffle; and we have proved farther that official information was received that Riddell was in the neighbourhood of Manchester; and that in consequence of that information, an officer was sent to apprehend him, and that Riddell was brought back in custody to Glasgow, and is now under an indictment.

ment to stand his trial there. What we propose to do is to adduce farther evidence shewing the connection of the Association with that conspiracy, not only as supporting that special charge, but in proof of the character of the Association, and the nature of their transactions. Observe that the letter is found in the house of Hacket, and, assuming that is proved, within a few days of the apprehension of the prisoners. It is proved that Hacket was a member and office-bearer of the committee; and we have proved, by his declaration, that he was treasurer at that time. The document which we tender here is addressed to Hacket, not at his private residence, but at William Smith's house, Black Boy Tavern, the place hired as an office for the use of the committee of the Association. It is addressed to him in the character of office-bearer of that committee. So far as the address is concerned, and the letter being in his possession, I apprehend to that extent that we have made out sufficient ground for the letter being produced in evidence of the proceedings of the Association. Now, it is said that the only act that we can competently prove against Hacket is the receipt of the letter. He is asked if he received it, and this he does not deny in his declaration, but says that he does not recollect of his receiving it. I deny that it is necessary for us to prove that he received it; it is sufficient, in a case of this kind, to prove that we found this document in his private possession.

The LORD JUSTICE CLERK.—It is settled that the interception of a letter, addressed to A. B. at the post-office, is equivalent to delivery.

Mr. ROBERTSON.—Yes, against the writer.

Mr. STEWART.—This letter we find in the manner libelled. It is said that we ought to prove who this Patrick M'Gowan is, and that he is a member of the Association,—that if we know who he is, we ought to produce him, and rest our proof as to the genuineness of this letter on his testimony. Patrick M'Gowan is specially mentioned in page 11th of the indictment. We have proved that a person of the name of M'Gowan was not only a member of the Association, but of the committee, and took a part in their proceedings. We have proved by Farmer that Patrick M'Gowan was walking about, and acting, to all appearance, as a guard; and my learned friend says, that if this is the writer of the letter, we ought to have produced him. If he is the writer of the letter, we cannot be called on to produce him, because he is charged with this conspiracy himself. It would be preposterous to call on us to rest the evidence on this part of the case on the testimony of one who is charged as taking a part in the crime. I submit that if he is that Patrick M'Gowan who wrote this letter, we are not bound to produce him; but that the fact of the document being found in the possession of the treasurer of the Association, is a sufficient ground that it be produced, and read as evidence of the general character of the proceedings of the Association. In a case of this nature, the document ought to be in the hands of the Court, in order that they may be able to judge of its bearing, and whether it should be produced or not.

The LORD JUSTICE CLERK.—The Court is in possession of the letter.

Mr. STEWART.—I mean that your Lordships should look at it and judge of it, and say whether its bearing on the general proceedings entitles it to be adduced as evidence. There is additional evidence of M'Gowan's being a member of the Association in one of the letters read last night, 28th May, 1837, bearing to be signed by Richard M'Neil, addressed to Hacket in Manchester.

Mr. ROBERTSON.—But who is this Patrick?—not "Patrick Robertson," I hope, (a laugh.)

Mr. STEWART.—By Hacket's declaration, he admits that he was in Manchester for 3 weeks. This is a letter written and addressed to him there, and a question is asked about the £40, that the Manchester spinners were taking their general votes upon; and then there is a message sent to Mr. M'Gowan, and then you have the letter dated and addressed from Manchester, where Hacket was at that time.

Lord COCKBURN.—Have you or can you have any evidence that the letter is written by Patrick M'Gowan?

Mr. STEWART.—We are not in a condition conclusively to prove that this letter

was written by any particular Patrick McGowan, but I submit that, assuming we cannot prove by whom it is written, we are entitled to have this written document, under the circumstances, produced. This is a charge of conspiracy, and we have this letter addressed to Hacket as an office-bearer; and it is a letter relating to the business of the Association, and found in his possession. It may be that this is written by an entire stranger, of whom we have no knowledge; but, under that circumstance, we are entitled to have it laid before a Jury, and leave them to give what effect to it they think proper. I refer to a case, Hume, vol. II. p. 397, (reads.) Now, we tender this letter as a proof of the character and the proceedings of the Association, and in support of our general charge of its proceedings; and I presume it is the same as any other document found in his hands. Suppose the case of a printed document, a minute or memorandum found in his possession. If it relates to the general character of the conspiracy, and found in his possession, I apprehend it may be founded on in that general charge. I believe that in the case of a placard being found in the possession of a party without proof that this party was the author of it, but being in relation to the character of the charge, is admissible, being found in the possession of a party connected with it. (See Alison, vol. II. p. 612.) I submit, therefore, that, upon those two authorities, looking to the character of this charge, they go to establish this, that the documents which we offer bear on the general proceedings and character of this Association, and that such documents, found in possession of a party connected with the conspiracy as a permanent member of it, are a sufficient ground for their admissibility.—A quotation was then read from Hume, pp. 486, 487, by the Lord Justice Clerk.

The LORD ADVOCATE.—I am much indebted to your Lordships for referring to the passage which I had in view. What I conceive to be the real question before the Court is not how far this evidence may go, to what extent it may be received, what impression it may make on the Jury, or what answer my learned friends on the opposite side may make to it,—the sole question is, its admissibility to be read to any effect whatever. It is a mode of argument frequently resorted to under a mere question of competency to see what all those parties are. This may be a forgery. It may be improperly put there by fraud—by conspiracy, to prejudice the persons in this trial, and therefore, say my learned friends, this letter is not to be admitted as evidence. I answer, that these are all circumstances to be taken into the consideration of the Court and the Jury, when the document is admitted; or there may be something throwing discredit on the document, that the Court will be entitled to see it. The prisoner Hacket was asked, on giving his declaration, whether he received such a letter. He was therefore prepared to bring evidence, that he could not have received it, or to state objections to it as being a forgery, if there were any circumstances of authenticity that could be brought against it. He has had an opportunity of repeating his declaration, and full time has been given to him to bring evidence against this document, if it has improperly been placed against him. Then consider the evidence brought forward in regard to this. My learned friend says that there must be the most complete evidence that can be produced in regard to the admissibility of such a document. As to the degree in which that document is established, it may be good to one certain effect, and may not be good to a certain other effect. I take the first case assumed in regard to it, that is a paper from an unknown person, and that Patrick McGowan may be a spurious name. In order to prove that is a genuine document, I am entitled to bring anything as evidence, which connects together those different parties in their different transactions, and that under the very authority stated in regard to Hardy's case. This letter is connected more particularly with one particular charge, and written in the expectation that certain persons, committing a particular act of violence, were to go to Manchester. If it appears that Hacket was carrying on correspondence with an unknown person at Manchester, that is a part of the actings of this conspiracy, which entitles me to produce this letter in evidence. It is a question

whether a person, *socius criminis*, could be produced at all. The persons accused will not become witnesses if they are guilty of what is imputed to them—they will not become witnesses against their fellow-conspirators. No doubt they may be called, but their evidence cannot be entirely relied on, and by whose evidence it is not expected that the Public Prosecutor can make out his case. The declarations of individuals are only evidence against themselves, and so far as letters or statements made by them, they are general statements in regard to their own conduct, and make evidence against themselves, but not against their fellow-conspirators, unless they relate to the general conspiracy. I beg to refer your Lordships particularly to the passage referred to by my learned friend, which, so far from being unfavourable to this document, admits the principle of law on which it may be adduced. (His Lordship then read from Starkey, vol. ii. p. 235.) Here is a person bringing a paper to a printer, and desiring him to print it; and it is allowed to be brought forward as evidence in the case of Hardy for high treason. In the case before your Lordships, this letter is sent by post from Manchester, addressed to the prisoner Hacket, relating to certain acts going on relative to certain individuals proved to be engaged in this conspiracy, and who had left the country; and I submit to your Lordships that it is a relevant article of evidence. I say that any document of any kind forming a part of a transaction going on,—which I maintain this was,—any document or piece of evidence of any transaction going on at a distance, is admissible as evidence. Here there is a person corresponding with an office-bearer of this Association from Manchester, in regard to what was going on in that part of the kingdom, and in regard to persons expected from Scotland, and this is a link in the chain of evidence which we are entitled to establish. I say that we are entitled to establish what is going on at a distance in the case of a conspiracy, even by unknown and concealed correspondents. Every one act of that kind may fairly be made evidence as forming part of the chain of circumstances, and the Court or Jury can test how far it may be true or false by comparing it with all the other evidence in the case. The question here is simply whether this is admissible, and the ground upon which we maintain that it is admissible is that it is evidence proving transactions connected with this conspiracy not only going on in Scotland, but in England. The case here is affected by no difficulties. We tender the letter to prove transactions going on in England at the time of this conspiracy, and connected with it, and which was transmitted by post, addressed to Hacket, and found in his repositories, when his wife and children were in the house. He had full notice, months ago, that this letter, along with other documents, were found; and he has brought forward nothing against its production. It is not alleged that it was found by unfair means. I will refer your Lordships to a note in Burnet. After laying down the general principles of evidence, he says the following are produced on collateral evidence, “memorandums, minutes, parts of writings,” &c. &c.; all are admitted that may prove any part of the transactions, though neither written by the party having his name upon them, nor found in his possession. (His Lordship then quoted the case of Downie and Watt, Muir’s case, and the cases of Skirving and Gerrald.) All these cases were attended with more difficulty than the present. This is produced merely to prove certain acts going on. All the letters in Hardy’s case went to shew general acts. Any memorandum, or part of writing, though mutilated, or document of evidence of the act going on, though not written by the party, or having his name, if it prove acts going on, is admissible as evidence.

Mr. D. M’NEIL,—I admit, with the Lord Advocate, that the question here is whether this letter can be received in evidence or not. It is not proved to be written by any conspirator, or by any one connected with the conspiracy, or with this Association. Though it bears to be signed by Patrick M’Gowan, we do not know if he is a person named at all in the evidence. Again, this letter has not been found in his possession. It is found in his house after his apprehension, in an open drawer. Cunningham does not say anything about the mode of finding it; and the last witness cannot say whether this was

one of the documents then found, or found at another time. In regard to this state of matters, the Lord Advocate read a passage from Allison, 2d vol. 618, in which he gives an account of papers found. (Mr. M'Neil quoted this passage also.) The Lord Advocate says, that the prisoner was shewn this letter at the time of his examination, and gave no answer or account of it, and that he has had time up to this date, to bring evidence in regard to it if he had thought proper. This is not the stage for the prisoners to lead evidence at all. It is the duty of the Lord Advocate to make his case complete; and it is not for him to say that the defect of my evidence is such, that I have no counter evidence in regard to the document in question. In the case of Watson, evidence was produced that no person could have entered his house. (Mr. M'Neil then quoted from Starkey, vol. ii. 234, then page 140). The Prosecutor proved all these things to raise the presumption that this was the lodging of one of the conspirators,—that he had the key,—that no one had a key to it but himself,—that he absconded,—that the door was forced open, and the letters found. This is not the case here: there is here a greater interval,—here there is no evidence that others could not get access to that house between the apprehension and the search made four or five days after,—here there is no evidence that they were in a place of which any one had a key,—they, in fact, were not shut up, but found in an open drawer or drawers. The Public Prosecutor has not placed himself in anything like the position of positive proof. My learned friend, Mr. Stewart, also referred to the fact, that this appears to be a letter transmitted through the post-office, and bearing the post-office mark. The post-office mark is evidence of the date, provided there be proof of the genuineness of the letter, but not otherwise. The letter itself does not prove that it contains a genuine statement. If it is proved to contain a genuine statement, then the date of the mark may be considered genuine. Upon this subject, Starkey says, page 660, 2d vol. “the post mark may be proved where the fact, is material,” &c. Here the date and fact are most material, both as to proving that the letter came through the post-office, and before this prisoner was apprehended. There it says also, page 456, in referring to the case of the King against Johnston, in a note, that in this case the post-mark seems to be perfectly immaterial, &c. Now, if the post-office stamp is founded on as a circumstance to prove that this letter was delivered to Hacket at the date, to bring it within the range of the indictment, by the fact that it went from the post-office, the date, and the fact that it went, are material in this case, and neither of these are established in regard to that letter. We know not when, nor where it was addressed, and there is no evidence of this; neither is there evidence here of this letter ever being in Hacket's possession. My learned friend, Mr. Stewart, says it was addressed to the committee room, and addressed to Hacket officially. I think this leans the other way. An official letter, addressed officially, may be opened by official persons belonging to that Association. The conspirators are seized on a Saturday night, and five days afterwards, this document is found in Hacket's house, not addressed to him at his house. We have no proof that the letter was written by a conspirator; and we have no proof that it ever came into Hacket's possession. But the Lord Advocate says, it relates to the subject matter of the conspiracy; and he has quoted from Burnet to shew that memorandums or parts of writings though mutilated, may be admitted as evidence in certain circumstances. Does he mean to apply that passage in this way, to a document written by no conspirator, found in the possession of no conspirator or prisoner, but a writing by somebody, wherever found, as evidence that can be brought against the prisoners? Because somebody chose to write about a conspiracy, is that to be produced as evidence against the prisoners? The passage alluded to must undoubtedly be taken with great qualification.

There was another passage which the Lord Advocate read from Starkey, to support the same doctrine, in regard to a conversation between two parties being received as evidence against Lord William Russel. Shaftesbury was a conspirator, and Lord Russel was another; and this is evidence of what was said

by the members of the conspiracy. But the letter in question is not proved to have emanated from a member of the conspiracy. Though the name conspiracy be in this case, it is not to satisfy all the laws of evidence; nor abrogate them from our books. Here the question is, whether having failed to prove that this letter came from a conspirator, and having been found under circumstances which offered no proof that it came into the possession of the prisoner, it is nevertheless, to be received as evidence against them. In the case referred to by Burnet, 93, 94, many points were decided; but some of them cannot be relied on, seeing Gerrald had the wisdom or the folly to conduct his own case, and acted under no advice. And farther, as there may have some incidental points passed without objection, where the parties knew there were no use in objecting, I do not think that the admission of a document in such a case, can be viewed as a decision of the point which we have here. This letter addressed to Hacket was not found in his possession. In the case of Skirving, there was a letter found in his possession, addressed to him by Palmer, a member of the conspiracy. The letter is not objected to as far as we see. Skirving seemed desirous to prove something by the letter; and he proves by somebody, that that letter was found in his pocket. Then Burnet goes on to state in Gerrald's case, about the copy of the newspapers, authorized by the Association, which was without objection admitted as evidence. This is not the case here. This letter M'Gowan was not authorized to write; and it is not proved that he had any connexion whatever with the Association. The Peter M'Gowan who subscribed this letter, was tried to be proved, by my learned friend, Mr. Stewart, to be a Peter M'Gowan, connected with the Association, because in a letter from the prisoner M'Neil, he mentions the name Patrick - Patrick who? "Not Patrick Robertson, I trust," said my learned friend, Mr. Robertson; and because at the end of this letter, in a postscript, there is this sentence, "my best wishes to Mr. M'Gowan for auld lang syne." Whether this meant Patrick M'Gowan I do not know; but the presumption I think is the other way. There is no proof as to who this Patrick M'Gowan is, who writes the letter, and no proof that it was written by Patrick M'Gowan at all. In the case of Hardy, referred to there, in a letter produced from a society in Sheffield, from William Brownhead, proved to have been one of the conspirators, addressed to Thellwell, and proved to have been found in the possession of Thellwell. Now, our letter is not found on the person of Hacket—not found in his possession. It was found, they say, in a loose drawer in his house, and without any evidence, except that this is to be considered as evidence, that it was found in his possession. I submit, therefore, that whatever may be the rule as to documents or placards in the possession of a party, that rule cannot apply here; for neither is this a document proved to have emanated from a member of the conspiracy, nor proved to have been found in the possession of Hacket.

Lord M'KENZIE said, that the letter in question was unquestionably on the business of the conspiracy; and he thought there was *prima facie* evidence that it was found in the possession of Hacket, who was proved not only to have been a member of, but Treasurer to the Association. Shortly after he was apprehended it was found in his house, which was then inhabited by his wife and family. He was examined in regard to the document; but he did not say that he had not received it, but that he did not recollect of receiving it. The letter was directed not to his house, but to the Black Boy Tavern, evidently the office, or committee room of the Association. It had the post mark upon it, and there was every reason to believe that it must have passed through the post-office, and found its way into Hacket's possession. He (Lord M'K.) could not go into the circumstance that it was not to be considered as found in his possession till the parties were apprehended. In general, apprehension came first, and the search after; and he considered it quite enough to render the letter admissible as evidence, that it was so found in Hacket's house. He (Lord M'K.) thought that the letter, from its importance, became admissible as appearing to be a circumstance of evidence connected with the conspiracy. What effect it might



have on the Jury was another thing,—it might perhaps have very little effect; but the existence of such a letter found in the possession of the secretary, seemed to be one link in the circumstantial evidence that could not be omitted. He was therefore under the necessity of saying that the letter must be admitted.

Lord Moncrieff said, he did not regret the discussion which this question had undergone, notwithstanding the time which it had consumed, as it was satisfactory when a question of this kind arose, to know that it was fully and fairly considered, and the best attention given to it. He (Lord Moncrieff) was satisfied with his learned brother, Lord M'Kenzie, that the document must be admitted, and nearly on the same grounds. He felt some difficulty at first in regard to it, from the circumstance that the handwriting was not proved, and that there was no offer to prove it; but now he was satisfied that this was taking too narrow a view of the question. They could not assume this the letter of M'Gowan, without some evidence that it came from him, other than the production of the letter; but a letter, purporting to be written by a person employed at the time in the business of the Association, and in regard to matters then in dependence, he (Lord M.) held they were bound to consider the contents of that letter, and receive it in evidence. Finding this letter addressed to a person engaged in the most active business of the Association—conspiracy or not—and purporting to be addressed to the committee-room of the Association, the place where they held their committee meetings,—and not only so, but finding it to be addressed to the treasurer, and proved to be the treasurer of the meeting,—and not only so, but being addressed to the Black Boy Tavern, what conclusion was to be drawn from this, and from the fact that it had found its way into the house of Hacket, and there found after his apprehension? The question was, whether on the evidence they were satisfied that, according to the plain common sense view of the matter with which they dealt, they were in a situation to say that it was fairly in the possession of Hacket? It went to the Black Boy Tavern, and after the apprehension of the prisoners it was found in one of the drawers in Hacket's house. He said he did not remember whether he received it or not. There was nothing in this statement to lead anybody to suppose that it was put there by any person but himself. He (Lord M.) was therefore of opinion, that the letter must be admitted as evidence, whatever might be the effect it might have on the Jury.

Lord Cockburn said, that one of the objections stated, was that it was not proved to be received by Hacket. He (Lord C.) was of opinion, considering the whole evidence, that it must be held to have been received by Hacket. It had been objected that the letter was not received through the medium of the post-office. From the first moment that this objection had been mentioned, he (Lord C.) had been incapable of seeing the smallest importance attached to it. If Hacket received the letter, what difference could it make, whether it was received through the post-office or in any other way, except by trick? What difference could it make, even if it had been sent to him by a street porter, or by any other person, so that he received it? If it could be proved that it had been placed in his repositories by an enemy, it would of course be a very different case. In the meantime this letter was received by Hacket, addressed to him by M'Gowan, whom he (Lord Cockburn) considered as a co-conspirator. But although it was certain that M'Gowan was a conspirator, unless the letter was proved to have been his, it would stand in the same situation as if a verbal statement were ascribed to him. There was another ground on which this letter was receivable, and that was, not that it was a declaration by M'Gowan, but, reading it as the Court was entitled and bound to do,—it was a paper touching this Association, traced into the possession of the individual to whom it was addressed,—one of the office-bearers of this Association; and he (Lord C.) would take it as he would take any anonymous paper—a placard or plan—or as one of those combustible articles produced in evidence yesterday,—as an article touching the common cause, and traced into the hands of a prisoner. The only case which he (Lord C.) could discover where a paper was not considered the paper of a particular individual, was in a trial where a written paper, unsigned, was endeavoured to be

produced, and where there was no evidence of the handwriting. It was a paper addressed to "Friends and Fellow Citizens." The objection by Sir Charles Wetherall to its production, was that nobody knew anything about it. But the Court entertained a doubt in regard to its production on a different point, which was that, in regard to reading the papers, they were not satisfied that it was ever intended it should be used in the common cause. I am clearly of opinion that this letter should go to the Jury.

The LORD JUSTICE CLERK said, he agreed with Lord Moncrieff that it was not to be regretted that this point had been so fully discussed. In regard to the question whether they could exclude this document offered under the circumstances before them, he had formed, after a full consideration of the argument, the same opinion that had been expressed by his learned brethren. It was quite impossible for them, according to the rules of evidence, as sanctioned by the law of Scotland, to say that this document could be refused. He was happy to think that none of their Lordships felt themselves called on to say, or to hold that this letter was proved to have been issued from the hands of Patrick M'Gowan. There was nothing like proof that this particular letter was written by that particular Patrick M'Gowan, and he did not rest his opinion as to the production of the letter on that point. From the moment the argument was brought before them, he had held this letter to be a document, not attempted to be authenticated by whom it was written, but a writing relative to, and connected with the business of this Association in the course of carrying on their proceedings. The question was, whether, under these circumstances, it could be received, yea or nay. He had attended particularly to the evidence as to the finding of this document. It was found by two witnesses in the house of the prisoner Hacket, the treasurer, to whom it had been addressed. It was proved that he held the office of treasurer; and that the letter was addressed to him at the Black Boy Tavern; and, according to one witness, within four or five days after the apprehension of the prisoners, the document was found in Hacket's house, certainly in an open drawer, but which house, consisting of a room and kitchen, was then occupied by the prisoner's wife and family. Now was there sufficient evidence before them that it was found in Hacket's possession? This was more a question of fact than of law, and he (the Lord Justice Clerk) felt himself bound to say that the evidence was sufficient. They knew too well that in regard to crimes of various descriptions, such as the stealing of goods, there were productions every day; and the question was, where were they found? And it was held as sufficient if they were found in or about, near to or within residence of the person accused of the theft. Sometimes they were concealed, sometimes lying open, sometimes under the care of another person, and discovered a considerable time after the apprehension of the prisoner; and was it not every day's practice that they were admitted as documents in proof of the case. The effect of evidence always went to the Jury, who were to judge of it; and in the present case the Jury would judge of the weight of evidence which this letter carries with it, comparing it with all the rest of the evidence, and what effect it might have on their minds was not now under consideration. He agreed with Lord Cockburn that it was of no consequence although it had been an anonymous letter. It was not necessary to know by whom it was written; but it being found in Hacket's repositories, the treasurer of the Association, on that ground it was a document which could not be withheld from the Jury. If ever there was a case clearly laid down in the law of Scotland, the case of Hardy was one, and one directly in point. The letter from William Brownhead was proved to be in the possession of a person who was secretary to the society; and there was not a vestige of proof that there was such a person as William Brownhead, or whether there was a Sheffield society in existence. They did not hold this to be the document of any M'Gowan at all, but considered it as an anonymous writing affecting this Association; and being found in the possession of the secretary or treasurer of this Association, they were bound to receive it in evidence, let the effect of it be what it might.

The Clerk of Court then read the letter.

DAVID FLEMING—(Examined by Mr. HANDYSIDE)—You are a criminal police officer? I am.

Do you know the Oakbank factory? Yes.

Do you recollect of the strike of the cotton-spinners? I do.

Do you remember being desired by Captain Miller, of the Glasgow police, to go to that factory? I do.

Was that the time they were taking on new hands? It was.

Was there a crowd about the mill? The greatest crowd seemed to be collected on the road between the mill and the Cowcaddens.

What was the crowd composed of? It appeared to me to be composed of groups of persons occupied in in-door labour, from their appearance—work-people.

Was there a great noise when the mill was coming out in the evening? Yes, when the new hands were coming out, a noise was got up, and as they came along the road the crowd gathered—there was a considerable number of women along with them.

Was any person assailed? I conducted some of the persons by Anne-street, near Cowcaddens, and I discovered a considerable crowd from Anne-street in the direction to the toll: I came down Anne-street, and saw the crowd passing along the Cowcaddens road. On coming down I observed they had taken the direction towards the round house, or what is called the gusket house: I went forward, and found two persons who had taken refuge in the house, one of whom was bleeding; I think his name was Farmer: the name of the other who had taken refuge along with him was Gordon; I saw them both here yesterday.

Was Gordon hurt also? He appeared to have been struck also with stones.

You rescued them? When I came up to the house, there was a crowd around it: there were two or three persons at the window outside, and I made a rush on them to see what they were: they ran away, and I kept the ground till I got a farther force, and took Farmer and Gordon to the police-office.

When was this? I think upon Wednesday or Thursday, the 10th or 11th of May.

Do you know whether the mill had been opened that day with new hands? It struck me that one of the divisions of the mill was opened that day to new hands,—it consists of two divisions.

In consequence of this was there a police force stationed here the succeeding days for the protection of the new hands? Yes, till the Saturday, I think.

JAMES SMART, recalled—(Examined by Mr. HANDYSIDE)—Your district is the Calton? It is.

There are a good deal of spinning factories in your district? A great number.

Do you know the factory of the Mile-end Spinning Company? I do, very well.

Had you your attention called to any guards around this mill? I had.

What time? The mill opened on the 15th of May last for new hands to come in.

In consequence of this had you any application from the owner of that mill for the assistance of a civil force? I had.

And you stationed some of your men there? Yes, ten, on the 15th.

Did you give any special directions to your men as to their duty? I instructed them not to interfere unless there were breaches of the peace, or unless they molested the workers passing to and from the work.

Were you there occasionally? Yes, I was there very often.

What did you see during the course of that day? I found a very great crowd, and I found also that the force I had there was not sufficient to keep the people in proper order, and I doubled the force.

This was during the day? Yes.

Did you observe at the meal hours any molestation to the new hands? The new hands got their victuals brought to them that day in the factory: at that time, the mill was surrounded with thousands of people.

(By the Court).—By what kind of people? Generally the workers in factories of that description.

Had you reason to know that they were persons who had struck work? I knew a great number of them personally to be so.

Did any thing occur? The crowd increased considerably towards the dismissal of the mill: we were compelled to escort the workers home from the factory to their different places of abode.

How did the crowd behave when you were escorting them home? Very badly, a number of them: they pushed against the officers of police, and likewise against the persons whom they were guarding along: a considerable deal of hooting and hissing took place.

Calling of names? I do not recollect of any particular names being called.

You got the spinners to their homes that night? Yes.

Next day were there similar assemblages round this mill? They were assembled in greater numbers.

And you had a police force stationed there that day too? We had, the whole day.

Did you escort home the spinners that night too? We did.

What happened while you were doing so? A very large crowd of people followed the new spinners going home while taking up from Park lane to M'Kechney-street; they increased to a dreadful degree there, and the police were like to be beat off altogether by the pressure of the crowd: the police endeavoured to keep the crowd back, but could not: a person of the name of Keddie, the foremost person, was apprehended and taken to the police-office, with a great deal of trouble.

I suppose you had occasion to know of a proclamation issued by the magistrates and sheriff, some days before, against these assemblages? Yes; I caused it to be posted up in our district.

Did these assemblages continue for days afterwards? They continued till the 22d, on which day Keddie was brought to trial.

Did you in the course of that time apprehend other persons? We apprehended a great number of individuals.

Would you remember their names? I would, I think, if I heard them.

Was John Young one? Yes.

James M'Bryde? Yes.

William M'Elmell? Yes.

Gavin Connell? Yes.

John Buchanan? Yes.

Hugh Johnston? Yes.

James Lynch? Yes; these persons were apprehended for their share in these disturbances.

Previous to the 22d, were they all taken? Yes.

Were you present at the trial of Keddie? Yes.

He was found guilty? He was.

Do you remember if there was any proposal made by his agent? Yes, after the trial.

The crowd ceased in a great measure after that? They did.

And there were no farther disturbances at that factory? Not at that factory.

Sheriff Alison here stated to the Court that Smart, when he made the search with Cunningham, had been merely called on as an assistant to Cunningham, and was not acting in his own district, and begged to bear testimony to his being an efficient and most excellent local officer. The Court expressed themselves satisfied.

GEORGE JEFFREY.—(Examined by Mr. HANDYSIDE).—You are superintendent of the police establishment, Gorbals? Yes.

There are some cotton factories in your bounds? A great many.

One of them is the Adelphi cotton mill, Hutchesontown? Yes.

Do you remember the strike of the spinners in April last? I do.

Was your assistance applied for to protect the new hands that were taken in? Yes.

What were the proceedings that required your interference? About the 8th of May it was reported to me that considerable crowds of people were assembled about the Adelphi mill: in consequence of this information I proceeded to the spot, and found an immense number of persons apparently watching the employed spinners in three separate mills, including the Adelphi: I considered it my duty to have the police officers ready at command; so long as they abstained from acts of violence, I did not interfere, and I instructed my men not to interfere.

Did the assemblages round the mill seem to be systematic? Quite so.

You had your observation on them during the day? Yes, both day and night.

Did there appear to be a change in the persons surrounding the mill? A constant change—one guard relieving another—it was not a change of individuals, but a change of bodies.

What were those bodies composed of? Men, women, and children.

Of what description? Cotton spinners, from their general appearance—two or three of them I knew personally to be cotton spinners.

Amongst the changes you observed during the day, were the changes amongst those who were spinners? Yes.

And this continued for a considerable time? Yes, for some weeks.

Were any assaults reported to you? There were, but they were beyond my jurisdiction, and of course I did not interfere, but reported to the fiscal.

Do you remember of two persons of the names of Gray and Kean being injured, and an investigation made into their case? I do.

*(Charge of Murder.)*

MARGARET LOCHREY, or SMITH—(Examined by Mr. HANDYSIDE)—  
You are widow of John Smith? Yes.

He was a cotton spinner? Yes.

When did he die? I forget exactly.

In what employment was he immediately before his death? In Mr. Houldsworth's mill in Anderston.

Where did you live? In Mr. Houldsworth's land, Cheapside-street.

That is what is called the Barracks? Yes.

There had been a strike of the spinners in April last? Yes.

Your husband had been working in Houldsworth's mill after the strike? Yes.

The spinners of the Association were not working? I heard that.

Do you remember of you and your husband going to make markets on a Saturday night? Yes.

Where did you usually make markets? In different places—we had no particular place to go.

Cheapside-street is not so full of shops as some of the other streets? No.

Was Clyde-street a place to which you used to go? Yes, very often.

You went to Clyde-street to make markets on a Saturday night? Yes.

About what o'clock was that? It was about 11 o'clock—the watch was crying past 11.

You went to a shop at that time? Yes, to a shop at the head of Washington-street.

After you came out of that shop did you go to another shop? Yes, a fletcher's shop.

What was his name? I do not recollect his name—it is about the end of Clyde-street, along by the Anderston walk.

After being in this shop did you go to another? Yes.

What shop was that? John Baine's, I think, in Clyde-street.

What o'clock might it be then? About a quarter after 11 o'clock, or 20 minutes, or perhaps rather more.

After you left Bain's shop, which way did you go? We took by the foot of Clyde-street towards the Broomielaw, on our way home.

Do you know the shop of Mrs. Cross? Yes.

Did you pass that shop? Yes.

After you passed that shop, what happened? My husband was shot.

Were you and he walking together at the time? Yes, I was at his side.

Where did the shot come from? From behind.

Did your husband fall? Yes, he fell forwards.

Did you look round? Yes, I started and turned round, and got some appearance like four persons behind—I took it to be four persons, but I was nearly out of my senses at the time.

Were these four persons men? I could not compare them to men more than to dark bodies.

Did you lose sight of those bodies? I stooped to lift up my husband.

While stooping to lift him up, did you see these bodies go down the street, or did you see them at all? I do not know where they went to—they did not come to my assistance, that I know of.

(By the Court)—Did you say they were away? When I rose, the first person I saw coming to my assistance was from the bottom of the street.

When you rose, were those dark bodies away? I did not remember to look back. Had you screamed out? Yes.

(By Mr. HANDYSIDE)—A person came from the lower part of the street when you screamed? Yes, when I screamed out murder.

Did the persons come up? When the man came the length of me there were more round me.

Did some women come to your assistance? When the men came round I ran up the street for assistance.

Did you know any of the persons that came up to your assistance? Not one.

(By the Court)—You ran up the street? Yes, when he was lifted up to be carried away.

(By Mr. HANDYSIDE)—Where was he carried to? To the doctor's shop.

Whose shop was it? I do not remember—it was at the head of Clyde-street.

Do you know that your husband was afterwards taken to the Infirmary in a coach? Yes.

Did you examine his body yourself in the doctor's shop? The doctor would not allow me to go in.

Do you know that he died in the Infirmary? Yes; I was with him when he departed.

Did your husband say anything after being shot? When I went to him he said he was shot.

Did he assign any cause for it? He did not say anything then to me.

Was he what was considered a nob? Yes.

Did he ever express any apprehensions to you before that, in consequence of his being a nob? No.

Do you remember of guards being on Houldsworth's mill? I remember of men passing on guard about the mill.

Do you know the names of any of these persons who were guards? I was not much acquainted with any of the spinners.

(By the Court)—Did you know any of them at all? I do not think I could name one of them.

(By Mr. HANDYSIDE)—Do you remember where the guards were, or seeing this man (M'Lean, who stood up) among the guards? I saw him in Bridewell, and I thought then that he was among some of the rest, just passing and re-passing like another man on the street: I think I saw the face before.

Do you mean the street near the mill? Yes: I think I saw the face before; but there were so many walking about that I could not say positively.

(By the Court)—Did you see him among the guards, passing backwards and forwards? I did not see him more than any others.

Was that when the guards were on your husband's mill? I thought that might have been the time I saw him.

Is M'Lean the same man you saw in Bridewell? Yes.

(By the SOLICITOR-GENERAL)—Are the Barracks close to the mill? Quite close—in Cheapside-street, just at the end of the mill.

(By the Court)—During the time you had walked from Cheapside-street to Washington-street, and then down Clyde-street on your way home, had you, when walking with your husband, observed any men upon any of those streets?—you went, as you tell us, to a good many shops—now, from the beginning to the end of your marketing, did you observe any men in the streets? There were three at the head of Clyde-street, and two of them I knew.

Who were these? One of them Arthur M'Grady, the name of the other I do not recollect just now—he had come from Spain.

The third man you did not know? No.

Did these persons speak to you or your husband? No person spoke to us.

Except these three men you saw at the head of Clyde-street, you observed no other men any where else? None that I know of: there were different people passing and repassing, being a Saturday night, but I took no notice of them.

And this was the case on the different streets? Yes.

Have you any recollection of observing any person that appeared to be following you or your husband? None.

And nobody whatever spoke to you or to him upon the streets at that time? No, not one.

You went out about 11 o'clock, you say—how long had he been at home before you went out? He came home at the time the watch was crying past ten.

And he remained in, and did not go out again till he went with you? No.

And when you got to the head of Clyde-street the watch was crying past 11? Yes, the police were going down as we were going up.

(Cross-examined by Mr. ROBERTSON)—How far past Cross's shop had you gone down before the shot was fired? I could not say how many yards—it was apparently at the back of the mill: there was a gable of a house at the place.

Did you point out the spot to any person? Yes: as far as I can recollect it: I could not say for a yard or two.

Whom did you point it out to? To two or three different gentlemen, whom I went with to the place.

PETER M'QUISTEN—(Examined by Mr. HANDYSIDE)—You are a land surveyor? Yes.

Were you employed to make this plan of Anderston, which I shew you? Yes.

Is it correct? Yes.

Cast your eye on Clyde-street: there are two places marked E E, what are these? Wood yards.

What is F? A church.

What is G? The shop of Mrs. Cross.

What is N? The shop of John Bain.

H I K, what are these? Shops: K is the shop of Adam Corkle; I, the shop of John Shaw; and H, the shop of Henry Vellel.

On the opposite side, B C D, whose shops are these? B is the candle shop of ——— Boyd; C, the shop of William Stewart now, the name of the previous possessor I was told was Barnard O'Donald; D is the shop of Archibald Wilson.

Are there a number of through-going closes in Clyde-street, leading into Piccadilly-street? Yes.

Cast your eye above the wood-yard, G, is there a through-going close? Yes.

And farther up there is an entrance into a court, and from that court an entrance to Piccadilly-street? Yes.

Is there another through-going close a little below the letter H? Yes.

And upwards there are several other communications between Clyde street and Piccadilly-street? Yes.

In Piccadilly-street there is unbuilt ground? Yes.

And there is a communication by the closes marked R R into Cheapside-street? Yes, there is a sort of lane there.

And in Cheapside-street Houlsworth's barracks and mill are situated? Yes, looking from Cheapside-street to Warwick-street.

Piccadilly and Cheapside-streets are retired streets? Yes.

They are not entirely built? No: and part of Clyde-street remains unbuilt.

Do you know the distance between Clyde-street at the top, and the Saltmarket? Fully one mile from the top of the streets.

What is the length of the Saltmarket itself? I do not know—perhaps about a quarter of a mile.

(Cross-examined by Mr. ROBERTSON).—Did you measure the distance between the shop of Cameron in the Saltmarket, and the place marked A in Clyde-street? I paced it, and found the distance to be one mile and 192 yards by pacing.

Is that by the nearest way of going between the one place and the other? Yes.

Did you pace the distance from M'Ilraith's shop in Bridgeton to the same spot at A, by the nearest way? Yes, 1712 yards.

The LORD JUSTICE CLERK.—A case of *alibi* is to be resorted to here,—we ought to have been advised of this before.

Mr. ROBERTSON.—It is in the defence, which ought to have been read; I am willing to have it read now.

The LORD JUSTICE CLERK.—I merely state that we ought to have been advised of it.

(By the LORD ADVOCATE).—There are different ways by which a person might come from Cameron's shop to the point A? Yes.

Which is the nearest? Through Millar's place into King-street, along King-street into Bridgegate-street, into Stockwell-street, and along the Clyde to the foot of Clyde-street, and up Clyde-street to the point A.

Which is the next shortest way of going? Down to the foot of the Saltmarket, and along the Clyde.

You might also go by Princes-street, and along Argyle-street, and along Anderson Walk? Yes, the second mentioned way may be about 20 yards longer than the first; and by Princes-street and Argyle-street about a quarter of a mile farther.

(Re-examined by Mr. ROBERTSON).—What is the distance between Smith's Tavern in the Black Boy Close and the point A? From the nearest point of Gallowgate-street to the point A, I consider to be about a mile and a quarter, or between that and a mile and a half.

How far is it from Barrowfield Toll to that place? About three miles from the point A—it may be a little less by going through the green.

Is A the place pointed out to you where Smith was shot? Yes.

Did Mrs. Smith point it out to you? Yes.

There seems to be no through-going between Washington-street and Clyde-street? No.

The Clerk of Court then read the defences.

Dr. PAGAN.—(Examined by Mr. HANDYSIDE).—You are one of the medical officers of the Glasgow Infirmary? I am.

You remember a patient brought there of the name of Smith? Yes.

In consequence of a wound he received? Yes, shots.

What is the date of his entering the Infirmary? Early in the morning of the 29d of July—a Sunday morning.

Where was he shot? In the back, and right arm.

Every attention was paid to him? Yes.

When did he die? On Tuesday morning.

Was there a *post mortem* examination of his body? Yes.

And you made up a report of it? Yes.

Is that the report? Yes.

Smith died from the effects of the shot? Yes; the bullet was found in his body, and another had passed through his arm.

Is that the bullet? It is—I have no doubt of it.

Did you receive from Mr. Salmond two bullets? I did.



Q Did you examine them? A Yes: I weighed them, and the flattened bullet now shewn me, and found that the bullets I received from Mr. Salmoud were a few grains heavier than the bullet taken out of the body.

Q Are you aware that a leaden bullet loses a little of its weight when it has been shot off? A Believes so.

Q What is the weight of the bullet found in his body? A 152 grains: these I got from Mr. Salmoud were each heavier by, I think, a few grains.

Q Does a bullet in passing through the body lose weight? A Yes.

Q The Clerk of Court then read the deposition of John Smith.

ROBERT CHRISTIE—(Examined by the SOLICITOR-GENERAL)—You are a cotton-spinner? A Yes.

Q How long have you been a cotton-spinner? A About nine years.

Q Were you a member of the Association? A Yes.

Q When was you admitted? A Nine years come the 14th of February.

Q Did you take any oath? A Yes.

Q Was it on the Bible? A Yes.

Q Tell us what was the import of the oath? A I was sworn to stand by the majority of the body, and to support it in all respects.

Q And any thing about secrecy? A Yes.

Q What was that? A Before I took the oath, an individual told me I was not to reveal where I had been that night, neither was I to reveal the name of the man who administered the oath.

Q Did they shew you any particular part of the Bible when sworn? A Yes; the only particular word shewn to me was the name Armageddon.

Q You left off being a cotton-spinner sometime since? A Yes.

Q When? A To the best of my knowledge, about three weeks previous to the strike in 1837.

Q What employment did you follow after that? A I kept a public house.

Q Where was it? A In Hospital-street, Hutchesontown, Glasgow.

Q When did you take up the public-house? A About two years and six months since.

Q Have you got the house still? A Yes.

Q You had the house before you left off being a cotton-spinner? A Yes.

Q Had you ever a public house in the Gallowgate? A Yes.

Q When did you take it up? A Some little time after the strike.

Q Can you give the date? A I cannot exactly give the date: I commenced selling about three weeks after the term day, close to the end of May.

Q Have you got the house still? A No.

Q When did you close it? A About four days, to the best of my knowledge, after the murder of Smith.

Q You know the prisoner William M'Lean? A Yes.

Q Have you known him for some time? A Yes.

Q Do you know the rest of the prisoners? A Yes: I have known M'Neil the shortest: I have known M'Lean some three years.

Q He was often about your house in the Gallowgate? A Frequently.

(By the Court).—You know also Hunter, Hacket, and Gibb? A Yes, for some time back, but I did not know M'Neil till of late.

(By the SOLICITOR-GENERAL).—You have heard of Thomson's spinning mill, where Arthur is manager? A Yes.

Q You recollect the night that Smith was murdered? A Yes.

Q Some time before that, had the prisoner M'Lean been in your house? A Yes.

Q And he was in the habit of frequenting your house? A Yes, for some little time; not very long.

Q Do you recollect any occasion, shortly before Smith was murdered, of having a conversation with M'Lean about Arthur? A Yes.

Q Had M'Lean been in your house that night? A Yes.

Q The strike had lasted some time then? A Yes, it had lasted a good while at the time of that conversation.

Q What happened? A M'Lean came into my shop, and said he was going, like as it

were, an errand to the other side of the water: I said to him if he would wait a few minutes I was going to close the shop,—it was late at night,—and I would accompany him across: my house was across the water.

Did he wait for you? Yes, and I closed the shop.

And you went on together? Yes.

In the course of the walk what did he say? Before we came to St. Andrew square he spoke to me several times concerning Arthur, and I did not understand at first what he was meaning: when we came the length of St. Andrew square he said, he was going directly across to death Mr. Arthur.

What did you say? I trembled when I heard the words expressed, and I began to flatter with him to put him off the action.

Did you succeed in it? No—he then made answer that he was determined to do so—he then gave a little stagger and put his hand on his pocket, and said it was here that would do it.

That was his coat pocket? Yes—still I tried to coax him, after I heard this, not to go across the water, and to put him off doing it.

Did anything more pass? He still persisted in saying that he would do it, and said he was damned but he would: there was no more passed concerning Mr. Arthur till we came to the English Church.

That was on your road? Yes: and then when we came to the English church he was making an awful noise, and speaking concerning Mr. Arthur: he was always swearing at him: I put my hand on his mouth purposely to stop him from speaking so loud, and told him, at the same time, if he would not give up speaking I was afraid we would be taken up, from people hearing him, and when I said so he damned himself and said there was no fear of any individual hearing him, as it were: he still continued speaking about Mr. Arthur on our way: when we came to the bridge, a heap of words passed between us before we came there—he said a number of foolish things, but when we were about the middle of the bridge he put his hand to his pocket that he touched before, and said it was here that would do the business: he told me at the same time that there were three chums to meet him at the foot of Crown-street: he named two of them, one James M'Donald, and the other James Keith: when he came to the end of the bridge I was leaving him going away home: he took a start forward towards the foot of Crown-street: I looked back that way after we separated, and saw him coming running towards me, and when he came up to me he said, he was damned if they were there—he swore, at any rate, that they were not there, and said he was damned but he would do it himself: when I heard the expression, I began to coax him not to be so foolish, as I had been doing before: he seemed not to mind me: when I saw him so anxious about Arthur, I asked him if he knew where he was that night, and he said he knew damned well where he was: I flattered with him again, coaxing him to turn: I was very much agitated,—I trembled on my feet when I heard him speaking so: I was advising with him to turn, but he seemed not to mind me, and as we were walking on a little, and near hand to Thistle-street, where Mr. Arthur lived, I was advising with him terribly, about a quarter of an hour before I went home, for I thought it my duty, but he seemed not to mind me much: he asked a sixpence from me, and I said I had no silver,—I had silver, but I did not like to give him any; but I had coppers, and I gave him some, and told him to go home like a good man, and be advised not to commit such an act: I saw I had got him rather persuaded, and when I saw this I persuaded the more, and he promised me that he would go home; and I said I would not leave him till he would promise faithfully that he would go home, and give me his hand that he would; and he said, I'll do that, Bob, and he gave me his hand that he would go home, and I held it for some little time, and told him to be sure to go straight home: he went away from me, and I stood still to see if he would go straight home, and when he was as far from me as from here (witness' box) to the gentlemen on the opposite side of the table (at which Counsel sat), I cried after him, and told him to be sure to go home; and I watched him till I saw him at the corner of the bridge going across: I did not see him any more till after the murder of Smith.

Did you know what he had in his pocket? Yes, I forgot that: when he gave the stagger, and said "I have here what will do the b——r," I saw like the butt end of a pistol in his pocket, as I thought.

Was he a little tipsy at the time of this conversation? Yes, he had got a good lass of spirits—he was elevated.

Did he walk well? O yes: he was soberer before we parted.

He knew what he was saying, and was able to conduct himself? O yes: he knew what he was saying perfectly well.

There was soberness enough in him, to impress you with the opinion that he was earnest enough in determining what he meant to do? Yes.

You did not consider these things he threw out in this way, as the idle ravings of a drunk man? No.

And you reasoned with him as a person in his sober senses? Yes.

When did you see him next? On the Tuesday following.

How long before Smith's murder was this conversation? Either on the Wednesday or Thursday night previous to Smith's murder.

The conversation on the bridge? Yes.

Where did you see him on the Tuesday? The first information I got of him was when he was next door to my shop, in Edward M'Guire's, on the Tuesday morning.

M'Lean came into your shop, about what time? About half-past 7, or between that and 8 o'clock in the morning.

Had you any conversation with him then? Some few words.

Do you recollect them? He asked me what M'Guire had been saying about something M'Guire had been talking to me about—a debt that M'Lean ran with me.

M'Lean was in your debt at the time? Yes.

What did you say? "Bob," says he, "what did M'Guire say, he was in a little ago?" I said "yes." I told him that M'Guire was saying to me that M'Lean had said in his shop, that he, William M'Lean, was damned to hell if he would pay me more than 10s. or 12s. which of the two I do not recollect. M'Lean said to me that I need not be afraid of the debt. "Do you not know," said he, "what M'Guire is?" I said that I knew nothing about the man, but that he was wanting to purchase my debt—this was debt contracted by the committee—and offered me 10s. down on the counter, if I would take it.

(By the Court)—What was the debt? £1 5s.

(By the SOLICITOR-GENERAL)—What did you say? I told M'Lean that I had said to M'Guire that I would take my own risk of the debt. M'Lean said that I need not be afraid of the debt, for I would get it every fraction; for, says M'Lean to me, you know that the committee never was dishonourable in these debts. He said he was going that day to get some money from the committee, and that he would pay up 10s. of the debt, and that I might go up any time to the committee and get the rest.

Did any thing more pass? No, he left the shop.

What did he mean by the committee? It was, what I suspected at the time, the secret select committee.

Where was it? In Smith's Tavern, Black Boy Close.

Were you aware, from what passed among the cotton-spinners, that there was a secret select committee then in existence? Yes, it was quite well known among the trade.

Before this, had you been speaking with any of the trade about what the secret select committee would do? Yes, several spoke to me at my own shop door: they were saying to me that nothing had been done: this was some time before the murder of Smith: this was a common saying.

Did you ever hear M'Lean himself say anything? Yes; he came to my shop one night in Hutesontown, I think the Sabbath previous to the murder of Smith; I was not in at the time.

You saw him that night? Yes.

Did he say any thing to you? I found him, and a company with him, five in number, in the house when I came in, and I think Daniel Montgomery called me to the back door, and asked me for something: I did not understand what he meant: he said he would send out Willie—that is M'Lean:—M'Lean came out and asked me for the lend of a pair of dark gloves.

Did you give him the gloves? I said I would get him a pair: I gave him them, and asked what he was going to do with him? and he said when he got them that he was going to do nothing with them,—O, naething, was the expression, and he put them in his pocket, and went into the room: they sat till it was pretty late, and I told them it was getting near to twelve o'clock, and that they must go away: M'Lean had his head on the table like as if he was sleeping: I said that I was now going to lock the shop, it was late enough: M'Lean lifted his head, and said it was time enough: Montgomery spoke to him again, and he got up and said, putting his hands to his pockets, that all was right: then they went away, going out by the back door, and I followed them out to the close-mouth, and M'Lean asked me if I heard of anything, and I said, no. He said they were watching for Arthur for two or three nights back, and went away up the street.

You did not see him that night again? No.

Did he bring back the gloves to you? Yes, on the Tuesday night.

What did he say when he returned them? He said that he and some others were at a house, and, so far as he understood, were directed to a wrong door: they rapped at the door, and the mistress did not seem willing to open the door: he said they put their shoulders to the door and drove in the panels, and when they went in he said that the wife of the house was on her knees with her arms round her husband's neck praying for mercy, and said to the individuals—he told me there were other two with him—for the love of God not to meddle with her husband; and the husband said they had been directed to the wrong door,—that he knew what they were after,—to go away, and he would get the door sorted.

This was what M'Lean told you? Yes, he said, at the same time, no wonder that his wife was crying for the love of God, for it was an awful thing to see three awful like ruffians like us coming in.

You told us that the first time you saw M'Lean after Smith's murder was on Tuesday morning? Yes.

And you told us about the committee debt and M'Guire—when did you see M'Lean again? About 11 o'clock the same day.

Was that in your own shop in the Gallowgate? Yes.

Did any thing pass? Yes, he came in and called for some spirits, along with Thomas Campbell and Montgomery.

Were these cotton-spinners? Yes; the two went in, and M'Lean stood on the outside.

They went into a room? Yes, the fore room; there are two apartments besides the shop: M'Lean said he had made a b——r sleep: I said, 'Oh, William, what is that you say?' He said, I have made one sleep, and, turning about to me, and pointing to a placard on the opposite side of the street, said, 'do you see that?' I said yes, £50 of a reward; no, says he, it is £500: I was agitated at the time, and I caught him by the breast and said, 'for the love of God, leave my shop, and make your escape as quick as possible, or you will be apprehended.'

What did he say? He turned round and said there is *nae down*: they are away after another man to Liverpool: he went into the room: by this time I had supplied the others with some spirits, and in a few moments, he asked for a light to his pipe: I said I had no light in the shop, but told him if he would go to the next close, and up the back stair, he would find a light there: when he was going out I was standing by the side of the counter, and he put his hand into his pocket as looking for a bit of paper to light his pipe, and then put his right hand out, and said, 'there is the wee paw that did the trick.'

Did he go out of the shop then? Before he did go out, I asked him if any person had seen him do it; and he said he took damned good care of that.

He left the shop then? No: he put his hand into his breast, as if pulling out a pistol, and put himself into a kind of position as if firing a pistol, as I thought, and putting his hand into his breast again, he said he walked off. I asked him if he ran away; he said no, he just walked across the street.

Had you any more conversation then? Not at that time: he went out and got a light to his pipe, and came in again to the company.

When did you see him again? He was in and out two or three times that day.

Had you any more conversation with him about Smith's murder? The next time he came in was, I think, with James Keith and Daniel Montgomery.

Had you any conversation with him then? I do not remember at present.

In the course of the day, had you any other conversation with him about Smith's murder? No, but about another man: he came in alone in the afternoon, and swore an oath, and said he had done one b——r, and would do some more of them. He said he had done one Miller, of Lancefield, when there was no other person in the trade would take it in hand—he was a spinning master.

What had been done to him? He said to me, at the same time, that £50 or £100, I do not recollect which, was put out for him, and that he had done it when no other man would take it in hand.

What had been done to him? It is about two years ago—I remember of him getting a most terrible beating.

Was it in reference to this that M'Lean spoke? Yes: he said that on that occasion he had done the deed when no other man would undertake it. He said at the same time, 'I wish to God there were three days of darkness, I would do for the b——rs.'

Had he been drinking at all at this time? You would have known he had been drinking.

But he was not drunk? No.

Did any thing more pass on that day? No: I do not remember of anything more that day.

When did you see him next? On Wednesday—he was often in my house at that time, and sleeping on the seats attached to the partition.

When did you see him on Wednesday? The fore part of the day.

Had you any conversation with him? Yes: a person of the name of M'Donald, James, I think, was with him, and James Keith: he told me to come in and taste: I sat down and tasted the spirits, and he began to speak about America: I do not know in what way he commenced it, but he said he was meaning to go to America: I asked him if he had got all things in readiness, and got clothes: he said that all that was settled for him.

By whom? He did not say in their presence, but just that all things were sorted for him: he told me when going out—he was hindmost—that the committee had supplied him with all these things.

Did he say anything about his passage? Yes: I said to him that I had friends in America that had written to me several times, and I wished to go there too: he said, let who will go to America, I must go; and gave a significant kind of nod.

Did he say anything about his passage being taken? He said they had secured his passage for him, and said something about Hamilton and Brothers; and that he was to become second steward in the vessel going out.

Did you see him after he left the shop that day? In the after part of the day, he and some more: he called for some spirits, and I supplied him: he told me it was to go down to the old account, and that I was not to be afraid of it.

By the old account, you meant the committee account? Yes.

Did anything further pass? He tasted the spirits, and put his head upon the table, and seemed to be in a sleepy state.

Were the persons who were with him spinners too? Yes: I knew their faces, but not their names: they said to me it is a wonder that William is not away out of the country.

Had you any more conversation with him afterwards? He came out of the

room and said, Bob, I hear that Smith was dead yesterday : I said, Oh, is he dead ? yes, said he, I heard so this morning, and then he went into the room again : there were two or three people at the back of the counter at this time, and I could not be bored with him—he was pestering me much.

How did he speak to you ? He spoke low to me, but I was afraid that they might hear, and I put my hand to his breast, and said, go into the room, and do not bother me in that way.

Did any thing more pass of consequence ? After this the people at the back of the counter went away, and he came out again and told me that Mr. Houldsworth and Mr. Salmond, I think, were up seeing Smith before he died, and that they had put the question to him, did he know who had done the deed, and Smith said he did not know who had done it : he then swore an oath, and said little did they think that he had done it.

This he said to you on the Wednesday ? Yes : after that he said, that go to America who will, he must go : that was all that passed.

Did he then leave the shop ? Yes.

Did you hear of his apprehension soon after ? Yes, sometime after.

M'Lean was not a man that had much money ? No, I have seen him with money only once—he left me twopence halfpenny at one time : I gave him credit on the credit of the debt committee, which sat in my house.

Would you have given him anything on his own credit ? No.

(By the Court)—Was he a member of this committee ? He was often there.

(By the SOLICITOR-GENERAL)—He sent you to the committee in the Black Boy Tavern to get payment of your money ? Yes, he told me to go on Tuesday, but I put off till Wednesday.

Who did you see there ? He told me to call on Peter Hacket ; and if I did not see him, I was to call for Richard M'Neil, and ask payment of the debt contracted.

Did you go ? Yes.

Who did you ask for ? Richard M'Neil.

Did you see him ? Yes.

You mean the prisoner M'Neil ? Yes.

He came out to you ? Yes.

Did you tell him what you had come for ? I told him I was wanting some debt—£1 5s.

Was it wholly contracted by M'Lean and his associates ? Yes.

And you furnished that debt on the credit of the committee ? Yes : he said that M'Lean had been contracting a heap of debt through the town on their head, and they could not pay it all, for he was contracting too much.

Did M'Neil pay you ? He paid me nothing : he told me to stop for two or three minutes, and he would let me know whether I would be paid or not : I stopped about a minute, and was obliged to go to my shop, expecting to go up again for it.

You shut up your shop again soon after ? Yes, the trade was very dull then, and I shut up the shop in Gallowgate.

Did you make any communication to a person of the name of James Todd ? Yes, a little.

When was that made ? To the best of my knowledge, it was on the Tuesday night after the murder.

You were apprehended yourself some time after ? I went away on the Thursday morning after the murder, and was ten days away altogether, and was apprehended in the course of a day or so after I came back : I went to Mr. Salmond's office, and was examined and let go the first time.

(By the Court)—Did you tell all the story there you have told us just now ? No.

(Cross-examined by Mr. ROBERTSON)—Where were you when you had left Glasgow for ten days ? I was away seeing an uncle of my wife's in London.

You said you had some intention of going to America ? Yes : according to the letters I got from my friends there, I said I would like very well to go.

Had you any intention of going when you said so to M'Lean? Not at that time.

When had you the serious intention of going to America? About a fortnight or three weeks previous to that.

And you had abandoned your intention of going to America at that time? I do not know—I cannot give any reason.

What led you to say to M'Lean that you were going to America? I said I had friends there, and wished to go.

But you had fixed not to go at that time? Yes.

And you can give no reason why you changed your mind? No.

When did you give up the shop in the Gallowgate? On the Wednesday night after the murder of Smith.

When had you formed your intention of giving up the shop? A fortnight or three weeks before the murder of Smith.

Had you only one shop at this time? I had two shops, the one in Hospital-street and the other in the Gallowgate.

And your house was in Hospital-street? Yes.

What family have you? Two children.

Is your wife alive? Yes—she is a witness here.

The night you walked over from your shop to Hitchesontown with M'Lean, was anybody else with you? No.

What time was it? I could not say the hour exactly, but I always shut my shop about 11 o'clock.

And M'Lean waited till you closed your shop? Yes.

Were there a good many people in the street? Yes.

And M'Lean was swearing and talking very loud? Yes, at times—when he came to the English church.

Was there anything that led him to make this communication to you about Arthur? Nothing else that I know of, but that M'Lean was coming about my shop.

Did you ever mention this to anybody at the time? On the Wednesday or Thursday night after the murder of Smith.

And you never mentioned it to any body till after the murder of Smith? No: unless to my wife—it was the murder of Smith that I mentioned to my wife.

Did you mention the story about Arthur to your wife before the murder of Smith? I do not remember.

I think you said it was on a Sunday night that he borrowed the gloves? Yes.

And that the night, the Sunday night before Smith was shot? Yes.

What was to be done with those gloves? I could not tell you.

What kind were they? Black worsted gloves.

Who were of the party with him the night that he got the gloves? John or Robert Osburne, a mechanic, (now with a Mr. M'Phael,) John Brown, and that Montgomery that I mentioned, and Campbell.

Was there a man the name of Lochrie there? I do not remember: but there might have been another with them: I think there were four and M'Lean.

Did any body hear this conversation about the gloves? No: he called me to the back door.

Were you in the room? No; I had been in the room once or twice, but not sitting.

Who asked you first? Daniel Montgomery: he asked me in a clandestine kind of manner: he asked for a pair of mits: I did not understand him at the time he asked them: Oh, says he, you are not up; I will send out Willie to you: then he went in, and Willie came out.

What did he say? He asked me for a pair of black gloves: he said the word plain to me: I said I would get him a pair, and I gave them to him.

Did he go in then? Yes.

Where did you go for the gloves? To my good-mother's, the second close above.

What is her name? Mrs. M'Kenzie.

You got them from her? Yes.

What kind were they? I suppose they were her husband's gloves: I went up to see if she had gloves.

Where did you think you were to get them? I asked them from my wife first, and she said she had no such gloves.

Did you suppose she had a pair of worsted gloves lying ready in the month of July? I did not know, but I asked her if she had any.

Then you went to your mother-in-law's? Yes.

You thought she might have a pair of her deceased husband's lying by her? Yes.

Where did you give them to M'Lean? At the back door; I called him out, and gave them to him.

Had you any reason for asking him to come out to the back door, to give him the gloves? I was going to give him them in the room, but he pushed me backwards, and I went to the back-door.

You had no idea what was to be done with them? No: I suspected something, but I could not understand what he was to do with the gloves: I suspected something after he had got them: I spoke to my wife and told her I had got a pair, and she said I wish there may not be some evil done to-night.

She suspected more than you? Yes, I was a little suspicious too.

Although you suspected something, you did not know what was to be done with them? No.

Was there much drank that night? Yes; some eight or nine gills among the five.

Did they appear to have been drinking before they came to your house? No, they appeared to be very sober—steady enough when I came in.

Was M'Lean asleep that Sunday night? Yes, he was leaning his head on the table, apparently asleep.

Was that before or after he had got the gloves? After.

On what night did he come back with the gloves? I forget: I think it was the Tuesday after he had got them.

Where was it that he gave them back to you? In the Gallowgate shop.

Who was present when he gave them back to you? Daniel Montgomery. Any more? No.

Was it upon this occasion when he broke into the house of the woman who was on her knees? Yes.

Where did the conversation take place about the woman being down on her knees when attacked by the three ruffian-looking fellows? In the shop.

Where was M'Lean standing? Montgomery was at the door of the shop going out, and M'Lean was behind, and told me about it.

He told you part of it in the room, and part of it in the shop? Yes.

Did Montgomery and he come into the shop together? Yes.

Did he give you the gloves on coming into the shop? After he sat down in the room, across the table.

Did they go first into the room? Yes.

There was no conversation till they went into the room? No.

How long were they on this occasion in the shop and room, before they left it? I could not exactly say, I had not a watch.

Was it half-an-hour? I do not know.

Was it five minutes? It was more.

Was it twenty minutes? Yes, or about twenty-five minutes.

When they came in they went into the room? Yes, and I went in after them.

Was any body in the shop taking charge of it but yourself? Not that I remember.

Then when you went into the room did you shut the door? I do not remember.

Was the room door shut at all? I cannot say.

Were the gloves given back in presence of Montgomery? Yes.



What did M'Lean say when he gave them back? He said he was at a certain house, and thought he was directed to the wrong door.

Montgomery was present all this time? If I remember rightly he was at the shop door.

At the time M'Lean gave you the gloves in the presence of Montgomery, what did he say? He told me he was at a certain house, and that they had been directed wrong,—that they rapped, and the mistress would not let them in. I believe there was some of it told in the shop when going out.

Did they come out of the room together into the shop? Yes, but the one was rather before the other.

How far did M'Lean get on with the story about the woman before they left the room? I could not say,—he told me part of it there, and part of it in the shop.

Had he told you about the three ruffians before he came into the shop? I could not say how far he had got on.

Did Montgomery make any remark at all? No.

Who did you understand the ruffians to be? Themselves.

Who was the other? I do not remember whether he told me, but I thought Campbell was the other.

And M'Lean and Montgomery were the other two? Yes.

How far was Montgomery before him? About two or three yards.

Is Montgomery deaf? No, I could not say he is deaf.

Had you any doubt whether Montgomery heard at all? I could not say—he did not speak to me.

What is the size of the room? I could not say—I never measured.

Did M'Lean speak low? Yes, he spoke low.

Did he swear low? Yes, he was speaking low.

Where was he sitting? In the room, near the window.

They were sitting near one another? Yes.

Were they close to one another? Pretty close.

Have you any doubt now that Montgomery heard all that M'Lean said to you about the ruffians and the rest of the story? I cannot say that he heard it all—Montgomery never spoke at all.

Did he speak to M'Lean? I do not remember if he spoke to him at the time I was speaking to him.

How long might they be in the room altogether? I could not say.

Were they ten minutes in the room? More.

Were they a quarter of an hour? Rather better than that.

Twenty minutes perhaps? Yes.

Who was taking care of the shop when you was in the room? I was sitting on the opposite side, so that I could see into the shop: the door was not shut altogether: I was rising sometimes and looking out.

Were you sitting near to the door? Yes.

Was your back or face to the door? My face.

And your back to M'Lean and Montgomery? No; they were sitting at the side the door was on: I was sitting on the opposite side of the table from that.

Which was nearest the door? M'Lean.

You do not know whether the door was shut or not? I remember now it was a little open.

How many rooms are there in the house? Two besides the shop.

Which of the two were you in? In the room to the left.

Does the other room go off from the right? Yes.

Where does the window look into? Into the Gallowgate.

And the shop door opens into the Gallowgate? Yes.

Was M'Lean quite sober when he told you all this story? You would know that he had got something.

They got some whisky in the room? Yes.

Did you partake of it? To the best of my knowledge, I did take some of it.

You told us about M'Guire coming into your shop on the Tuesday morning? Yes.

What you told M'Lean of the conversation between you and M'Guire was true? Yes.

Was any body with him when he told this story first about the shooting? No person.

Where was it he told you? In the shop.

That was in the morning? He did not tell me in the morning about the shooting.

When was it? About 11 o'clock.

Was he sober? You would know he had got some liquor.

Nobody heard any part of that conversation? No.

It was all in the shop? Yes.

Was nobody coming about the shop? I could not say.

Was the shop open? Yes; it was broad day-light.

Was any body present when he told you any thing more about Smith? No; he never told me any thing forment any body.

You say he said a number of foolish things—what foolish things? I cannot say at the present time: one of the things he said was wishing for three days of darkness.

You thought that was nonsense? It was very nonsensical.

Any other thing? Yes, he said he had done for one b——r, and he would do for some more of them.

But, besides all these, you told us that he said a number of foolish things? I did not attend to them: I do not remember the words he made use of.

You told us a story about doing for a b——r, and about the three days of darkness, that he may do for them all, and then you swear that he said a number of foolish things: I ask the rest? He said he had done Millar of Lancefield,—that no man in the trade would undertake it but himself; after this, he said half words backwards and forwards, and I did not pay attention to them.

Were there foolish things or not said? I cannot state them; they appeared to me to be foolish, he was speaking in such language.

Such a language as what? The foolish words that he spoke: I do not know what they were: I cannot tell you them.

Do you remember any thing that was not foolish except what you have told us? I disremember them.

(By the Court).—Do you remember any particular expression? Yes, he said, 'there is the wee paw that did the trick:' that was one of the things that was not foolish.

Do you remember any foolish expressions that you have not told us of yet? I do not recollect.

(By Mr. ROBERTSON).—What was it that led to all this that he was saying? It was concerning the crime he had been committing.

Pray, Mr. Christie, did you ever hear that there was a reward offered to the person who would give information that would lead to the conviction of Smith? Yes, I heard of the reward.

When did you hear of it? That day (Tuesday) he came into the shop,—he let me see it himself.

You saw the placard posted up on the wall opposite your window? Yes. £500? Yes.

You read it? Yes, after he told me about it.

Were there two placards or two rewards? I do not remember: I only saw one, to the best of my knowledge.

Did you ever hear of another? Yes, but not till I came back from London.

Where did you hear of it first? I do not remember at present,—I think I saw it on some of the walls.

How long were you away? I think about ten days.

Seeing your friends and relations? Yes.

When did you first give information about all this? After I was imprisoned. Did you consider yourself in any danger when in London? Not the least. Did you believe that M'Lean was the murderer of Smith? Did I believe! It is very likely that a person would believe it when M'Lean told it himself.

Believing it, and being in safety in London, why did you not give information to the authorities? I cannot give an explicit answer to that: there is one thing evident, it would have been a bad job for me if I had gone forward and given information, because being a member of that body, it might do me evil again.

Although you were in safety in London? Yes.

(Re-examined by the SOLICITOR-GENERAL).—When you were taken before the sheriff you were not willing to speak out at first? No.

It was not till you had been examined before the sheriff more than once, that you told what you have told us this day, upon your oath? I suspect I had been examined six or seven times before I told it.

What made you reluctant to speak out when brought first before the sheriff? Knowing that I was under an oath not to reveal.

That was the oath you had taken some nine years ago? Yes.

Had you any other reason for being unwilling to speak out? Yes: knowing there had been so many individuals shot at, and burned with vitriol.

By the Cotton-Spinning Association? Yes.

Then it was a scruple about the illegal oath, and the dread of vengeance from the Association that prevented you from speaking out at first? Yes, I told the sheriff that.

And you did not speak out till the sheriff told you that you would have the full protection of the law? No.

You did not then refuse to speak, because you thought it a right thing in itself to reveal murder when you suspected you knew it? Yes.

When you saw you were safe you spoke out? No: it was the fear of the oath that made me not speak out.

What was M'Lean's dress on the day of the murder? A long green coat with pockets on the outside, and moleakin or fustian trousers.

What had he on his head? A round black hat.

(By the Court).—When you were in London, were your wife and children left in Glasgow? Yes.

Before you go I put this question, and remember you are on your great oath, I ask you to state, in the face of the Jury, whether or not the statements that you have made, are the truth and nothing but the truth? Nothing but the truth.

JAMES HAMILTON.—(Examined by Mr. HANDYSIDE).—You are a partner of the shipping company of Hamilton and Brothers, in Glasgow? Yes.

Look at this letter, dated Liverpool? (No. 26 of inventory). It is regarding the sailing of a vessel to America.

What is the date of that letter? 17th July.

Did you advertise the sailing of the vessel about that time? Yes, this identical vessel, Henry IV.

What was the day fixed on for its sailing? 24th July, from Liverpool for New York.

Do you remember after the receipt of that letter, being waited on by some persons to take a passage for a spinner? Yes.

Did you remember the date of that conversation? This letter would be received on the 18th: I think the 17th was on a Monday, but it was not the same day the letter was received that they called—it was either Wednesday, Thursday, or Friday they called.

Did you read the letter to these persons? Yes.

Could you recognise any of the persons who called? Yes.

Is the prisoner M'Neil one of them? No.

Is M'Lean one? Yes.

They made inquiry about a steerage passage? Yes.

Look at these five persons, did any other of them call that you recollect? No:

there was another man with him, but not at all like any of these men—a very short man.

You gave them the particulars of the charges? Yes.

And you did not see them again? No.

They did not take the passage? No: M'Lean said he would call back, but did not.

(Cross-examined by Mr. ROBERTSON)—You have never seen M'Lean before, except in Bridewell? No.

Did you identify him in Bridewell? I identified a man, but I did not know his name then.

Was Mr. Nish, the officer, present? Yes.

Do you remember M'Lean's dress? I do not; but it occurs to me that he had a velveteen coat on: but I am perfectly certain that this is the man.

Did he say anything about the passage money? Yes: M'Lean said he wanted to know the rates—I told him: he said, being a poor spinner, he hoped I would take less, and I agreed to do so.

Was there a number of spinners emigrating about that time? Not at that time.

Before that time? Yes: we had had a great number some months before that.

From the society? Principally—I believe the society was paying the money on almost every occasion.

The Association frequently paid it? Yes.

Perhaps they paid considerable sums? Yes.

For spinners, distinctly, fairly, and openly, with their families? Fairly and openly: with some few exceptions they took different names, not to let it be known that they were leaving the place when they were in debt.

(Re-examined by the LORD ADVOCATE)—Did M'Lean give any name at the time? No.

Do you remember his dress at that time? It occurs to me that it was something of the same kind; but so many people were coming and going that I cannot speak to it distinctly.

WILLIAM ARMSTRONG—(Examined by Mr. HANDYSIDE)—You are clerk with Hamilton & Brothers, shipping company? Yes.

Look at that letter—you have seen it before? Yes.

It mentions a vessel that is to sail on the 24th July from Liverpool? Yes.

It was advertised by Hamilton & Company? Yes.

Do you remember on the same week of Smith's murder, any person coming to inquire about a passage to America? Yes.

By whom was the inquiry made? By five men.

On what day? On the Monday or Tuesday.

Was Mr. Hamilton in Glasgow? Yes, but he was not in the counting room.

(By the Court)—Was it after the letter was received the inquiry had been made about the passage? I do not remember.

(By Mr. HANDYSIDE)—What did they ask? The rates of passage by our vessels to New York.

Did you tell them? Yes.

Look at the prisoners—were any of these of the party that called? (Witness here identified the prisoner Gibb).

Were the persons who called dressed as these prisoners are now? No.

Were there any of the other three there? No.

Did they agree about the passage? No.

Did they speak about coming back? They did: they said they would call and see Mr. Hamilton, but they mentioned no particular time.

Did you see them call back? No.

Did they ask for one passage or more? They spoke generally.

Did they say what sort of passage it was? A steerage passage.

ADAM DICKSON—(Examined by Mr. STEWART)—How long have you been a cotton-spinner? About 13 years.

What mill did you work in previous to the late strike? Oswalds & Co.

Are you a member of the Association? Yes.

How long? Thirteen years.

Where were you admitted as a member? In Smith's, the Black Boy Tavern, Gallowgate.

Were you sworn when admitted? No.

Was any ceremony gone through when you were admitted? No.

Was any oath administered to you afterwards? None: the articles of the society were read.

You know there was a strike among the operative spinners last April? Yes.

Did you attend any meetings of the Association or committee afterwards? Yes.

What kind of meetings? General meetings of the society.

Did you attend any meetings when a committee was appointed? Yes.

What committee was it? Twelve individuals were appointed.

What was the name? The finance committee.

When was this? I could not state the date exactly,—two or three days after the strike commenced.

Was that the finance or the supply committee? Some call it the finance and some the supply committee.

Were you a member of that committee? No.

Did you ever hear of another committee called the select secret committee? No.

Is your name Adam Dickson? Yes.

And you never heard of such a committee? No.

Did you ever hear it spoken of amongst the trade? No; I have heard of select meetings being called, which consisted of the most wise and judicious men from each shop: this meeting would be appointed when any question of importance was to be discussed.

Do you know if such a meeting took place since the last strike? Yes.

How was it appointed? Each shop appointed its own man.

What is it called? A delegate meeting.

When was this committee appointed? I could not exactly give the date, but some time after the strike commenced: it was more in consequence of the place not being large enough for the whole body.

But how long after the strike? I think about four weeks after.

Did your shop appoint a delegate? Yes, Archibald M'Kay.

What led to the appointment? We got instructions that they wished the meeting of a man from each shop.

What do you mean by *they*? The committee.

Who brought these instructions to the shop? It was stated at a general meeting of the Association.

Where was that meeting? In the Universalists' chapel.

How long did M'Kay continue to go to the meeting? The general time is two months: it is customary at all times to hold a delegate meeting once in the week.

At all times there is a delegate appointed and in office from the shop? Yes.

Both before and after a strike? Yes.

(By the Court)—Do you call the delegates the wise and judicious men? Yes: when any question of importance is to be discussed, a wise and judicious man on whom we can depend is appointed: this is an order that is issued at times, even beyond the delegates that are in constantly.

(By Mr. STEWART)—And such an order was issued since the late strike beyond the ordinary delegates? Yes.

Was the order at the general meeting for a wise and judicious man, even beyond the delegates? I do not recollect.

Did you get any offer of an engagement to work during the strike? A proposition was made by our employers to us.

To come to work? Yes: this was at the time of the first proposed reduction:

we went—the whole society—and offered our services at the first, and then there was a second and greater reduction.

Do you remember hearing of Smith's murder? Yes.

Had you occasion to be in the Black Boy Tavern soon after that? On the Monday following.

Do you know the prisoner M'Lean? I know him to see him.

Is that M'Lean? Yes.

Did you see him that day in the Black Boy Tavern? Yes.

Where was he standing? In the passage that leads to the room.

Did you speak to him, or he to you? He spoke to me.

What did he say? He was much the worse of liquor at the time: he caught me by the collar just as I was passing; says he, 'I believe there is one b——r asleep.'

Did any thing pass? I asked him what he meant, and he asked me if I heard of the man being shot in Anderston: I told him I had, and that it was a pity.

What did he then say? He seemed to laugh at me, and said some jesting word.

What was it? I could not be positive about it: he then asked me if the committee was in; I said I did not know.

Did he say any more? He said he wished to see if he could get 5s., 10s., or 15s.: he mentioned but two sums; but whether 5s. or 10s., or 10s. or 15s., I do not recollect.

Did he add any thing more? I do not remember.

Try to remember? He turned about his head and said, 'I believe there is no down.'

What is that? A common term used by young and old in Glasgow, meaning that if any thing has been done, the person who did it has not been discovered.

(By the LORD ADVOCATE)—You said you could not be sure what jesting word he said? No.

Did he use jesting words? Yes, something with a sarcastic smile: it occurs to me it was something about my being methody-faced.

I think you said there were different reductions at the time of the strike—how much might such a workman as you earn in the week? I can earn at present from 30s. to 35s, after paying the piecers.

How much do you pay the piecers? £1 : 12 : 6 a-fortnight.

And after paying that, you earned from 30s. to 35s.? Yes, my wheels are about double the size of some wheels.

How much could you earn if the prices had not been reduced? Nearly £2 2s.: the reduction of the wages from what I had is 23 per cent.

You say you earn more than other men? Yes; some men earn no more than from 15s. a week to £1.

What is the most that some make? I consider that I am near about the highest. I do not know any men gaining above our shop: our wheels are about the largest in town.

Do all the men in your factory earn as much as from 30s. to 35s. a week? Yes.

(Cross-examined by Mr. ROBERTSON)—You took no oath? No.

Did you come under any obligation to do acts of violence, or anything unlawful? Never.

Are you aware of any such obligation or oath being taken? I am not aware of it.

How long have you been a member of the Association? 13 years.

Are you speaking truly and without any fear of consequences at this moment? Quite so.

And without any secret obligation, or mental reservation? Quite so.

Do you remember a meeting in the Green of Glasgow? There was a general meeting of the trades.

With a view of entering into measures for permanent relief, at which Dr. Taylor made a speech? I remember the time, but I did not attend the meeting.

Was there a meeting that night in the Black Boy Tavern? Yes.

What was it a meeting of? Of delegates.

Were you there? Yes.

How many might be there? Between 30 and 40, I think.

Were the members of the committee of supply or finance there? I do not remember seeing any of them there.

How long were you at that meeting? Nearly two hours.

About what time did you go up? Sometime before 10 o'clock.

What was the subject of discussion generally that evening? It was to endeavour to adopt measures to assist the finance committee.

Do you happen to recollect who was in the chair? Myself.

Were you in the chair at the time you were there? Yes.

Was the prisoner Gibb there? I do not remember of seeing him.

Do you remember of any of the prisoners being there? I do not remember of any one of them being there.

Do you know a man of the name of Moat? Yes.

What is his first name? James, I think.

Is he a cotton-spinner, or do you know if he has any other occupation? I am not aware that he has any other occupation than that of a cotton-spinner.

Do you know one William M'Gowan? Yes.

Do you know a man of the name of John Davis? Yes.

Did you hear Moat speak there that night? No.

Do you remember seeing him there? I do not remember seeing him there.

Are you sure he made no speech? I am sure of that.

Did Davis make a speech there that night? I do not remember him making a speech there.

Was he there? I am not sure if he was there.

Upon your solemn oath, was there at that meeting any proposal made for the appointment of a select or secret select committee? I heard none.

Nothing of the kind was addressed to you as chairman? Nothing of the kind.

And you are certain Gibb was not in the chair? I am quite certain of that.

You never heard of a secret select committee in your life? I never heard of it.

Or of any committee under such or a similar name, the purpose of which was to superintend, dictate, or control violence to life and property? I never heard of it.

What are the purposes of the Association? To endeavour to keep up the rate of wages.

By legal means? Yes.

Was alimient given during strikes to persons out of employment? Yes.

Was money occasionally offered to persons emigrating from the country? Yes.

Alimient was occasionally given to the wives and families of poor operatives? Yes.

Did you ever know or hear of any money given as an instigation to, or a reward for acts of violence? None.

You are still a member of the Association? Yes.

Was you a delegate at that meeting in the Black Boy Close? No; Archibald M'Kay was our delegate.

How did you come to be there? I met with our man promiscuously, and he told me where he was going, and I went along with him, and I was unexpectedly appointed chairman after I was there.

Who proposed you for the chair? I could not positively say: I went with M'Kay.

How long have you known Hunter? Since ever I became an operative cotton-spinner, or nearly.

How long have you known Hacket? About four or five years.

How long have you known M'Neil? About the same length of time.

How long have you known Gibb? Ten or twelve years.

They are all married men, and have families? They are all married, but I am not aware that M'Neil has a family.

So far as you have known them, have they been steady well-behaved men? Yes.

You have seen them occasionally at the meetings of the Association? Frequently.

Did you ever hear them urge or propose any measures of violence? No.

You have not been so long acquainted with M'Lean? I have known him to see him since I was a boy, but I never was acquainted with him.

Are you an elder in Mr. Harvey's Relief church? Yes.

How long have you been so? About three years.

You kept a Sunday school at one time? Yes.

M'Lean told you about the man that was asleep in Anderston,—did he appear to have been drinking? Yes, and very much the worse of liquor.

Where was this conversation? At William Smith's.

In the passage? Yes.

From what he said, did he lead you to believe that he had any concern in that murder? He never said so.

Did he lead you to believe so? No, when he did not say that he had.

(By the Court).—You concluded that he had no concern in it? I never formed any opinion in that respect.

(By Mr. ROBERTSON).—Did you look on this as a drunken ebullition, and a very improper statement? I looked on the vulgarity of the language used.

You did not look upon it as the confession of a murderer? No, I did not.

(Re-examined by Mr. STEWART).—The affairs of the Association are managed by the finance committee? Yes.

Is there any way by which the money affairs are made known generally? Yes, schedules are sent frequently to all the different works.

Do all the hands see these schedules? Yes.

You have seen them frequently? I have.

Do you know of such a committee as the guard committee? I do.

Was there a guard committee appointed during the last strike? Yes.

What was the purpose of that committee? Each man of the guard committee had a certain number of men under him.

What were they to do with these men? They went to the various places that were taking on new hands.

Was this to guard or watch these works? To see what new hands were going in and out.

Can you tell me the names of the guard committee appointed? I cannot say, for new ones were coming in.

How many did the guard committee consist of? From six to eight, or ten; but I never made it a point to ascertain: it varied in numbers.

Tell us the names of some of them? Walter Morrison, John Trotter, Mathew Park, I think.

Was there a John Parker in it? Yes.

Did you ever hold office in the Association? Yes.

When? About a twelvemonth ago, or better; perhaps 14 months ago.

What office was it? A member of the finance committee.

In the schedules did you ever see an entry with the word Collieries? I never remember seeing it but once.

With a sum of money attached to it? Yes.

What did you understand by that? I could not say; it was in Mr. Salmon's (the fiscal's) office that I saw it.

(By the Court).—Did you not understand its meaning? No.

Was it during the investigation of this case? Yes, the present case.

And you did not know what that word meant? No; there were two words mentioned to me.

Did you see both words or not? I do not remember.

(By Mr. STEWART).—Did you ever see in a schedule the word *fugitives*, with a sum of money attached to it? No.



Mr. Beatonson.—My Lords, there is in none of the schedules produced with the word Collieries.

(By Mr. Stewart).—You never saw the word fugitives in the schedules, and a sum of money attached to it? I do not remember at present of seeing it.

(By the Court).—Did you ever see an oath administered to any body? No.

Did you ever hear of an oath being administered? No.

(By Mr. Stewart).—Did you see an entry of guards and expenses in any of the schedules? Yes.

When you see one with such an entry as £24, how do you explain it? I could not give an explanation of it, except it might be by giving two or three shillings to each man for refreshments. I know that the committee were in the habit of treating the new hands and their friends, to advise them to leave off working.

And you think that is put down guards and expenses? Yes; I do not know of any other things.

What do you understand by expenses with nob? I do not know if it be not the same that I have mentioned.

If the expenses with nob be stated separately, how do you explain expenses with guards? I cannot give any explanation. I know of no reason for money being expended on the guards, but by treating the new hands and their friends.

These schedules are given out once a fortnight? Yes.

Do you know a Patrick McGowan in the Association? Yes; he was a member: some years ago, I believe he embarked in some other business; but I believe he is now sailing again with Mr. Bogle.

(By the Court).—Where did you come from here? From the witness' room.

You never was in prison? No, I was not.

What night was it when you were chairman of the meeting? I could scarcely speak positively: I remember of the members of the meeting talking of what they had heard Dr. Taylor saying in the Green: I think it was about the 14th of June.

Have you any other cause for knowing that it was the same night on which Dr. Taylor spoke on the Green, except that you heard them speaking of what they had heard that day? No.

Did every body come away when you left the meeting? Yes, the meeting appeared to break up: I did not see whether any went back or whether every one came away; but there were two or three came close along with me.

Who were the persons that came out with you? Archibald McKay and James McNish were two of them.

Any more? None that I can name at present.

You say that this was before 10 o'clock? Yes.

What time had you met? About 8 o'clock.

Was there any number there before you went in? Yes.

What were they doing? They were all sitting on the forms and chatting to each other.

They immediately proposed that you should take the chair? Yes.

Though not a delegate? Yes.

How do you explain that? It is customary in all the meetings of the delegates for a great number to be there who are not delegates: I never saw any put out except the room, being too small, became too warm.

Can you mention any other meeting when a person, not a delegate, was made chairman? No, I could not remember of any at present.

You have said that when these schedules were sent round, you were in the custom of seeing them? Yes.

Did you never see one with the word Colliery in it? Not that I recollect of: I did not see any of the schedules after the strike.

Were they not of the most importance after the strike? It is a great expense the printing of them, and the committee read the schedules at the delegates' meeting.

Do you mean that at the strike, the schedules were not regularly sent to the works? Yes.

And the schedules were sent to the shop of the men that had struck and belonged to that work? No, I do not remember of seeing any.

(By the Court)—The Association did not attempt any violence, that you know of? No.

What were the guards to do? To see if any of the hands that were on alment were working, that they might be struck off.

Did you ever hear of the nobs being molested? I have heard of it.

Do you believe it? I have reason to believe that there were some disturbances; but I never saw them using violence.

Do you believe that the Association systematically tried to obstruct the nobs? I could not say.

I ask you if you believe this? Yes, I have every reason to believe there was some disturbance.

But answer this question—do you believe that they systematically tried to obstruct the nobs? No.

Do you believe that during the strike a nob was in perfect safety to walk about on his ordinary business through the streets of Glasgow by day and by night? I would not have liked to try it myself.

Do you know a man of the name of Keddie? I do, there are two brothers of them.

Members of the Association? Yes.

Do you know that one of them was tried and found guilty of such violence to the new hands? I heard of it.

Do you know of any communication of that conviction to the Association? I heard it stated at a meeting of the Association.

What was it that you heard stated at that meeting? That he had been taken up for molesting some new hands.

Did you hear of any proposal to delay his sentence, and that there would be no more molestation? Yes.

Did you understand, from what passed at that meeting, that that was understood by the Association? Yes.

Were you informed also that the guards were to be withdrawn from the works after that? Yes, from the whole works.

You heard these schedules read during the strike? Yes.

Do you mean to say that you do not know the meaning of money spent on nobs? I cannot say: I know the meaning of nobs.

(By a Jurymen)—What is the meaning of select delegates? It is a customary thing in all cotton spinning factories for the delegates to go out by rotation; and if any question of importance is to be discussed, an order comes to each shop with the officer, to send in a wise and judicious man beyond the ordinary delegates—that is the meaning of select delegates: they do not go generally on the same night.

(By the Court)—Do you still adhere to your statement that you never heard of a secret or select committee? Never.

Did you never hear it spoken of in the trade at all? I never heard it spoken of.

At any meeting when members were proposed, were any words from Scripture shewn to any of them? Never.

Or a Bible produced? No.

Did you ever see that Bible?—(shewn Bible, No. 7 of inventory).—I think I saw it in Mr. Salmond's office.

Did you never see it in the committee room? No.

The Court adjourned about eleven o'clock, till to-morrow (Saturday) at ten o'clock.

## FOURTH DAY.—6th JAN. 1838.

ARCHIBALD CAMPBELL—(Examined by Mr. HANDYSIDE)—You are a cabinet maker? Yes.

You live in Kirkintilloch? I did.

Did you do so in July last? Yes.

Where do you live now? In the Calton of Glasgow.

Do you remember on a Saturday in July last, coming into Glasgow from Kirkintilloch? Yes.

How did you travel? By the track boat.

What time did you arrive in Glasgow? Between eight and nine o'clock.

Did you walk from the track boat with any one? Yes.

Who was it you walked with? A man who had been in the boat with me—I did not know who he was.

Where did you walk to? We walked from Port-Dundas down the High-street on to the Calton.

Was there a proposal to get some drink together? Yes: we went into King's public house, Stevenson-street, Calton.

You went into a room? Yes.

And got some whisky? Yes.

Were there any other persons in the room? Yes, about seven or eight.

Was it a tap room? No.

What sort of persons were they that were in the room? They appeared to be cotton-spinners from their dress; but I do not know otherwise.

Was there any conversation amongst these persons which you overheard? Yes.

Tell us what the conversation was? It was not said all at once, but at times: they were sitting drinking altogether, and the first words I heard were, "Smith will be shot to-night."

About what o'clock was this? About 10 o'clock.

On hearing this did you say anything? No.

Did you look round? I just looked at them, that was all: I did not know who said it.

Did anything more happen? A little after that some one said it was a pity of Callagan in Gallowgin—he is in Glasgow, and will be, or is well hidden.

Did you hear anything more? I turned round and said, "he'll be gae weel hidden if he's ne gotten."

Did anything more pass? They looked at me as if they were angry.

At what? At my speaking to them, or interfering with their company.

You remained sometime there with this man? Yes.

Was he an old or a young man, the person who was with you? A man about 30.

You do not know who he was? No: I have not seen him since.

This was on Saturday evening? Yes.

Did you hear anything extraordinary next day? Yes: next morning I heard that a man had been shot down by the Broomielaw.

What time did you hear he had been shot? On Saturday night.

(By the Court)—You thought from their dress they were cotton-spinners? Yes.

Had you ever seen to your knowledge any of these men before? No.

Did they all appear to be in one company? Yes.

Do you mean to say that the expressions as to Smith and Callagan were

by one and the same man? I cannot say, but they were said in the company.

Have you ever seen any of these seven or eight persons since? Not to my knowledge.

Did you hear the name of the man that had been shot? On the Monday or Tuesday after, I heard that it was Smith.

Do you recollect any other thing said by these seven or eight men on any subject? Some one mentioned about a canister, and said, "It was well-packed, but badly thrown."

Anything more? Not that I recollect.

Did they speak anything about their trade? Not that I recollect of—I paid very little attention to them.

How far might you be sitting from them? About 6 feet.

Did they speak in a loud or in a low tone? They were talking very quietly, and then they spoke out all on a sudden.

What do you mean by these words? They were talking at first low; and then the expressions came out louder.

What aged men might they be? Men of different ages—I could not exactly tell.

Did they appear to be all sober? No: they were very drunk.

Had they drink before then? Yes.

Were you sober yourself? I cannot say I was the worse of liquor.

You have quite a correct recollection of what passed? Yes.

When you used the expressions in regard to Callagan about being well hidden, did you know anything about that man? No.

JOHN SHERIFF—(Examined by Mr. STANWART)—You are a fishing-tackle maker, in the employment of Dougal in the Arnds? Yes.

Do you keep pistol and musket bullets for sale? Yes.

Do you remember in July last some person coming to purchase balls from you? Yes.

Can you remember the precise date? I really do not know the date.

What time of the month was it? It would be the Tuesday or the Wednesday before the cotton-spinner was shot.

How many persons were there? Three persons came to the shop.

From their appearance and dress, did you form any opinion as to what trade they belonged to? I did not form any idea till after I heard of the deed being done; and I then formed the idea that the men that came to the shop were cotton-spinners.

Do you remember their dress and appearance? I had not my attention called to it so particularly, till I heard of the deed being done.

What did these persons ask for? Only one came into the shop, and asked for bullets for a pistol.

Where were the others? The other two were looking in at the window.

You said you had pistol bullets? Yes: the person that came in had two pistols in his possession, and showed me them to fit the bullets to the pistol.

Of what description were these pistols? One of them was very small, uncommon small, I very seldom see any so small, the other was a large holster pistol.

Did your bullets fit these pistols? Not exactly: the nearer you can get the bullets to fit the calibre of the pistol the better in practice; but I had none of the size to fit the small or the large.

Did you say anything to this effect to the man? Yes: the bullets I had were too large for the small pistol, and too small for the large one; I told him so; but he said he did not care—he was out of work, and was going to the country to have a shot or two for pastime.

What took place? He made the purchase of half-a-dozen of the large size.

Those that were too large for the small pistol? Yes.

The others did not come into the shop? One of them came to the step of the door, but no farther.

"Of what sort were the pistol bullets: I think the kind was No. 54.

You had others remaining of the same kind in the shop? Yes.

"Were you waited on by Mr. Salmon, the fiscal? Yes.

Did you give him two balls of the same kind you had sold to that person?

Yes.

Look at these balls—were these you sold of that description? Yes.

Do you think you could recognize any of these men? No.

(By the Court)—Had you plenty of light? Not a great deal of light—it is a dark place.

What time of the day was it? The fore part of the day—from 1 till 3 o'clock.

The man that was in the shop was there for some time, just opposite to you in the counter? Yes: there were two or three persons in the shop at the same time: the shop was thronged at the time.

You told us you had such a recollection of their appearance and dress that made you conclude they were cotton-spinners; but you do not recollect the features of any of the men? No.

Nor the height? In regard to the height of the man who made the purchase, he might be a man about 5 feet 6 inches, or thereabouts.

And those without? I did not pay attention to the size of those without.

WILLIAM SMITH—(Examined by Mr. HANDSIDE)—You are a cotton-spinner? Yes.

Where was you last employed? With Mr. Houldsworth.

What are you at present? I am doing nothing at present.

Do you remember the strike of the cotton-spinners last April? Yes.

Was you in Mr. Houldsworth's employment at that time? No: it was after I went into Mr. Houldsworth's.

You had been out of the spinning-trade? Yes, some years out of it.

About what time after the strike did you enter his employment? I think about May.

Had you been a member of the Association? Yes.

After you entered Mr. Houldsworth's employment in May, do you remember, on one occasion, accompanying the late John Smith through different streets in Glasgow? Yes.

When was that? It might be about the beginning of June.

Did anything particular happen when you were along with him, to you or to him? Nothing.

Do you remember going to the house of James Murdoch on another occasion? Yes.

Murdoch is a spinner? Yes.

What took place that night you called on Murdoch? Smith was shot that night.

It was the 22d of July? Yes.

Where were you going after leaving Murdoch's? I called in at a house in Tradeston, after that.

Did you come over to the Broomielaw side? Yes: I came over about 11 o'clock at night.

(By the Court)—Are you quite sure of the hour? Quite sure of the hour.

(By Mr. HANDSIDE)—Where is your own home? I took lodgings to be near the work; my own house is in Hutchesontown, but I went to my lodgings that night.

Near to Mr. Houldsworth's? Yes.

In the course of that day, did anything occur which alarmed you? Yes: about 4 o'clock, when the work stopped, I came down the street, and saw a great crowd of men.

(By the Court)—What street was it? Cheapside-street.

The street that Mr. Houldsworth's mill is in? Yes.

(By Mr. HANDSIDE)—What happened? My wife met me at the foot of the street. She asked me what was ado the night—she had seemingly got alarmed

too: I returned the answer, "God knows; I have heard of them shooting in day-light." From that I moved off as quick as I could, and she was along with me. One of them, seemingly a spinner, a good looking man, followed me. He had a strange eye upon me. The works were sealing then, and in the midst of the throng I lost sight of them. I went into the house, and remained some time.

You were what was called a nob at that time? Yes.

And had accepted of the reduced wages? Yes.

And were working against the rules of the Association? Yes.

Had you been idle for some time before? Yes: I was anxious to get employment.

What ceremony did you go through when you entered upon the Association? I undertook an obligation to get a fair remuneration for my labour.

Was there anything about abiding by the decision of the majority? Yes, there was.

You were told to keep this obligation secret? Yes.

Under any condition? Yes.

What was it? The time when I took this obligation there was a law in existence, called the Combination Law, and the obligation was to keep our business secret.

And to keep the obligation you had undertaken secret? Yes.

Was there a Bible used? No: It is twenty years since I was admitted.

(By the Court)—Had you to contribute anything of your wages? No.

(By Mr. HANDYSIDE)—Do you mean to say that you never contributed? I contributed, but I did not pay any entry money.

(By the Court)—Was you called on to contribute afterwards? Yes.

For what purpose? To support the men who were standing out against the masters.

(By Mr. HANDYSIDE)—How often did you make these contributions? Generally every fortnight.

(By the Court)—To what extent? There was no certain sum, sometimes more and sometimes less, as occasion required.

Were you and every other person bound to pay contributions these nights? Yes.

What was the highest sum you have contributed? I have paid to the extent of sixteen shillings a fortnight.

Was there any word of the trade? Yes; but it is so long since I got it, that I actually forget it—I never used it.

(By the Court)—Was it to let the members know one another? Yes.

Do you know where the word was taken from? The Bible.

Would you recollect it if you heard it? Perhaps I would.

(By Mr. HANDYSIDE)—Was it Ashdod? No.

Was it Armageddon? That was it.

This was before the repeal of the combination laws? Yes.

Do you remember when they were repealed? I do not remember exactly.

Had you been present at the admission of any members since that time? No.

You do not know how they are admitted now? I do not.

In what way is the trade made aware of the way in which the contributions are applied? They get notice from the men in office who conduct the business: each mill gets notice from its delegate of what is doing.

You have been a member of committee since you joined? Yes, of the supply committee.

Which has the ingathering and distribution of the funds? Yes.

When was you made a member? About 9 years ago.

Do the members of the supply committee see all the books kept by the Association? Yes: it is about 9 years ago since I was a member.

Do you remember seeing in the society rooms, at that time, a Bible? I never

saw a Bible, nor saw any man initiated: there might have been a Bible, but I never saw it.

Have you seen the schedules sent to the trades? Yes.

Does one go to each shop? They did, at that time, 9 years ago, when I was a member of the committee of supply.

Was there a committee called the guard-committee of the Association? There was not, at that time, that I am aware of.

Was there any strike when you was a member? No.

But when a strike takes place, is it the custom to appoint a guard-committee? It was not the practice in my time, as far as I know.

How long is it since you ceased to be a member of the Association? It is 9 years since I was connected with it.

Did you observe any persons surrounding Houldsworth's mill during the last strike? Yes.

What were those? They call them guards.

Did they attend at meal-hours? Yes: particularly at the meal-hours.

Did you know any of these men? Several of them.

Can you tell the names of any of them? Yes: Walter Morrison, John Colquhoun, John Stark, William Johnstone, James Walker.

Were these turn-out spinners? Yes.

Members of the Association? Yes, when I knew them.

And they appeared to be acting as guards? Yes.

(By the LEAD ADVOCATE)—You worked at the reduced prices? Yes.

How much did you earn a-week, at these reduced prices? The highest I made was 21s. a-week.

What did others make? That was the general run, it was sometimes lower.

(By the COURT)—Are the wheels of that mill large? Yes: 20 or 30 rails—they are among the largest.

(Cross-examined by Mr. ROBERTSON)—Do you know a woman of the name of Mary Wilson, the wife of Alexander M'Donald? Yes.

Where did they live? In Clyde-street, Anderston: she is dead, she died of a fever shortly after Smith was shot.

Was she any relation of yours? No—but a particular acquaintance.

Do you remember having any conversation with her about the shooting of Smith? Yes.

What was it? I heard by a certain friend, that she had seen the shooting, and that led me to go to her.

Tell us what passed? I asked her if she had seen it: she told me she did. I then asked her what like the person was who had fired the shot, and she told me he was a little set man, with dark moleskin clothes on, and jacket and trousers of the same. I asked her where he had gone to, if she had seen the direction: she said she did, and followed him up a bit, that he went into the first through-going close.

Did she say which close it was? What is called Cross's close, or the first close on the west side; it goes on to Piccadilly-street—it is next to the wood yard.

Did she say he ran, or what? No: she said he adjusted his hat on his head, and went off at a quick pace, and she followed him a bit.

Did you speak to her more than once? I spoke to her twice, and she repeated the same story both times.

How soon after this did she die? I could not exactly say; but in a very short time after.

Was she quite well at the time? Quite well, when I last spoke to her.

Was she an aged woman? No, a young woman.

Was her husband then alive? Yes, and is yet, so far as I know.

In your conversation did you suggest to her the propriety of telling the authorities what she was acquainted with? No: that was a neglect on my part—I know I should have done it.

Did she express any disinclination to go to the authorities? She rather disinclined to be brought into trouble about it.

Was it typhus fever she died of? I believe it was; and when I heard she was seized with it, I did not go to see her again.

(By the Court)—How soon after your last conversation, did she die? About a fortnight.

Who gave you the information that she was possessed of this knowledge? Peter Ferguson.

Is he alive? Yes, and is a witness in this case.

Did she say that there was any body at all there, but that one man? She saw none at the time till she went to the close, and saw a group of people there.

She did not tell you that anybody was about him at the time he was shot? No.

Did she tell you there was anybody with Smith? Yes: she mentioned his wife.

Did she describe to you how it was done? She said he came behind Smith's back and fired.

Did she tell you where she was when she saw it? She had, she said, been out with her husband, and on the very ground.

Did she say her husband was with her? Yes; he was with her, but he was quite drunk.

Did she say she was before Smith, or behind the man? Behind.

Did she tell you where the man that fired at Smith came from? No.

Did she describe to you whether it was light or dark? Dark.

Do you know whether there are many lamps at that place? Very few lamps—there are very few houses there.

Did she describe particularly where the thing took place? No.

Did she tell you whether she herself had been drinking? No.

You were intimate with her, and you will know whether she was a sober woman, or given to drink? A sober woman, so far as ever I know.

She said there was a group of people about the close—did she give you any idea of what number might be there? She did not tell me.

Did she say she went into the close? No.

Did she tell you when the man went into the close the group went along with him? No.

Did she tell you what she herself and her husband did after this happened? She said she had stopped out a while after, until she saw the shot man taken up to the doctor's.

Did she tell you what her husband did? No.

Did she tell you when she first spoke of it? No.

Or whether she had mentioned it at the time to anybody? Nothing about that.

Do you know how long it was after this, before she was known to be ill of a fever? Perhaps eight days after the last interview.

Did you ever speak of this to her husband? I did.

Was it in her presence? Yes.

Did she ever tell you how soon she had spoken of it to her husband? No.

When you spoke of it to her husband, did he appear to know of it before? Yes.

Did he say that he had seen anything? He did.

When you spoke to him about it in her presence, do you recollect of her making any observation to him? No.

Did she tell where she and her husband had been? She had just been out—she did not tell me where they had been.

Did she tell you whether she and her husband had been going up or coming down? Going up the street—up Clyde-street, towards the north side of the street.

She said she was behind both Smith and the short set man who had fired the pistol? Yes, she had been coming from the south end of the street, next the Clyde.



And that she was behind both Smith and his wife, and the short set man who had fired? Yes.

How soon after Smith had been shot had you the first conversation with her? Early in the week after he had been shot.

Are you quite sure it was within a few days after? Quite sure,—it was within the week at any rate.

Did she say that she knew the person who had been shot to be Smith? No: she only learned it was John Smith, and she did not know that the woman was his wife at the time.

Did she say she observed where Smith and his wife were going before the shot was fired? They seemed to be crossing the street going towards home.

JOHN M'MANUS—(Examined by Mr. HANDYSIDE)—You are a carding-master? Yes.

Do you remember the last Glasgow fair in July? Yes.

Do you recollect John Smith calling for you in your own house on the Saturday evening of the fair? Yes.

Where is your house? In the High-street.

Was any proposal made to go out together to the Green? I proposed so.

At what hour might this be? Twelve o'clock, forenoon.

On your making this proposal what did Smith say? He declined going through the Green.

What reason did he give? None at that time: I insisted on his going through the Green.

Did he go? Yes.

Had you any conversation in going to the Green? After we went through, and had some conversation, he proposed to go home, and I went to convey him. On coming to the front of the Jail, a man was selling hardware by auction: the article he was selling was a hair comb; he proposed buying it, and did so. On the man handing it down to him, a man on the opposite side cried out, 'don't give it to him—he is a nob;' another beside that man, cried he was a black-neb.

Is that expression, 'black-neb,' used towards nob? I cannot say—they hissed him: I took Smith by the arm, and brought him back from the stand, wishing him to come away and go home.

Was this from a fear of his safety? Yes.

Do you remember that night Smith expressing apprehensions of his safety? He came away and told me that that was his reason for declining to go through the Green.

What was his reason? He said the spinners that had been in the work had promised to beat those who were in employment, if they could get them.

When did you next see him? On the evening of the 22d of July.

Were you in his house that night? Yes.

At what hour? Between six and seven o'clock.

Where was it? In Cheapside-street, Anderston.

Did he go out with you? He convoyed me nearly home.

Where did you part? We proceeded to the entrance of Bridge-street, my nearest road to go home, and he declined to go through that street.

What reason did he give? He said a number of the spinners, not in employment, had promised to beat those in employment if they could get them.

Why in that particular street? He assigned no reason: we then went up Stockwell-street, and I parted with him at the head of it.

What o'clock was it? 25 minutes before 9 precisely, in the Tron church clock.

Did you say anything to him? I advised him to go straight home.

Had you any reason for this? No: I wished him to be home before it turned any later.

(By the Court)—Was his wife along with you? No.

DAVID THORBURN—(Examined by Mr. HANDYSIDE)—You are a cotton-spinner? Yes.

You knew the late John Smith? Yes.

Were you in the same mill with him? Yes.

And you were working there during the strike? Yes.

You remember the night of his being shot? Yes.

Had you seen him that evening? Yes.

What time? Between 10 and 11 o'clock.

Did you meet him in the street? Yes: he was coming home from Glasgow.

Where did you meet him? On Anderston-walk.

Which leads to Cheapside-street? Yes.

Did he just speak to you and go onwards? We were not above two hours together.

Were you walking together, or in a house? We were in a house; other two men were along with me, and we had some liquor.

How long did you remain? We did not stop long there.

Where did you go to? Smith and I went towards Anderston.

What took place there—did Smith go home? I parted with him at the head of Clyde-street.

Did he express any wish to get home? Yes: the man was afraid.

Of what? Of being ill used on account of working in Houldsworth's factory.

Did he say he had anything to do that night? Yes: that he had his market to make.

What o'clock was it when you parted with him? Between 10 and 11 o'clock.

What place of the town was it that you met him in coming from Glasgow? On Anderston-walk.

What time might this be? It would be after 8 o'clock.

You went to another public house when you left him? No: I went to see my brother's wife.

Where did your brother live? At the head of Clyde-street.

When you were at your brother's house, did you hear the report of Smith being shot? Yes: I heard it there first.

Was it that same night? Yes.

How long was it after you parted with Smith? Better than half-an-hour.

There were guards posted on Houldsworth's mill during the strike? Yes.

Do you know any of the persons who acted as guards upon it? I do.—Samuel Hay, Robert Dick, John Parker—there were others, but I do not recollect them.

Was William M'Lean there? Yes.

Was he one of the guards? I do not know; but I saw him pass the mill at the time the guards were on.

Did you see him pass the mill more than once? I think I did, to the best of my recollection.

Did you see him half-a-dozen of different days? No.

(By the Court)—Do you mean to say that he was not doing what other men were doing, but doing as other guards? He was walking like other guards, backwards and forwards.

That is when the guards were on? Yes.

(By Mr. HANDYSIDE)—The guards were taken off and diminished? Yes.

Did you see him after the guards were off? Yes, I saw him on the quay, down at the sheds, after that.

Did you see him in front of the mill also? Yes.

What part of the quay? Opposite to Clyde-street.

What time did you see him there? The after part of the day.

How long was this before Smith was killed? I do not recollect.

Do you know these men at the bar? Yes.

Did you ever receive money from any of these prisoners? Yes, from Hunter.

What was the occasion of your getting money from him? To leave the country.

What was the reason of your going to leave the country? Because a spinner got a beating—they would not let him work in Glasgow, and he would not go home to the west country.

Were you concerned in that beating? Yes.

Who was the man? A man the name of Currie.

When was it that this took place? I do not recollect the day—it is seven years ago.

Was you committed for that assault? Yes; but I got money to take me out of the country, and was away for three months: when I came back I was apprehended and tried, and was sent to bridewell for 60 days.

At that time what office did Hunter hold in the Association? I do not know—I got a little money from him, and got more from another person.

Who was that other person? Patrick M'Gowan gave the money to two of the guards to give to me.

What situation did Patrick M'Gowan hold in the guard at the time? I cannot say.

How much did you receive altogether? £2.

Was there a guard committee at that time? There was a strike, and there was a guard on Mr. Denniston's mills.

Were you one of the guards on that mill? No.

Was this man working in Denniston's mill? No, he was working in Mr. Blackburn's.

Was Currie a nob? Yes.

Were you a member of the Association then? Yes.

When were you admitted? In 1816.

When did you cease to be a member? About five years ago.

Did the same Association continue from the time you entered it till you quitted? Yes.

Where did it hold its meetings at this time? In the Universalist's chapel, Dovehill, Gallowgate.

Where did the Committee sit? In William Smith's, Black Boy Close.

How did you cease to be a member of the Association? By going into Houldsworth's factory, and discontinuing my contributions.

Do you remember any person of the name of M'Pherson, in the Calton, suffering an injury? Yes, a widow woman.

Was this when you were a member of the Association? Yes.

Do you remember what year it was? I could not say.

What was the injury? She was killed.

(By the SOLICITOR-GENERAL).—She was a widow? Yes.

You entered the Association in 1816? Yes.

Was there a strike soon after you entered? Yes.

How long was it after you entered that this woman was killed?—was it two or three years? More.

Were you concerned in it? No.

Do you remember being asked to point out a nob that the committee wanted to injure? Yes.

Who wanted to injure the man? One Kennedy Baxter, a member of the Association.

Was there a secret select committee at the time? I cannot say.

Why did they want to injure him? Because he was working in M'Phail's factory as a nob.

What was his name? M'Mullen.

Did they not explain in what they were to injure him? They were to go to him and do as they thought proper: none of them knew the man but me, and I was asked to shew the man to them.

Was a party to go with you? Yes; but I did not let them see the man.

Did they tell you what they were going to do with the man? They were going to break his bones.

What bones? His legs: they told me that.

What prevented you from pointing out the man—to prevent him from being injured? Yes.

Did you refuse to point him out? I told them I did not see him.

Was this before or after you had been engaged in the assaults on Currie? A number of years before that.

Do you know any of the circumstances connected with Widow M'Pherson's murder? I knew the next morning that she had been murdered.

Did you merely hear of it, or did you know of it otherwise? Only by hearing of it.

Was the reason of that murder generally reported and talked of among the members of the Association? Yes; but it was her daughter they meant to kill.

But it was generally talked of among the members that it was the mother instead of the daughter that was killed? Yes.

Can you remember at all about the time that this happened to Widow M'Pherson? No.

Where did she stay? In Pollock's land, and her daughter was working in Dunlop's mill.

How long was it before Currie's affair? A long time.

Was it before or after the time you were asked to point out the man? After.

Have you ever acted as a guard? Never.

(Cross-examined by Mr. D. M'NEIL).—How much money did you get from Hunter? 1s. 6d.

Did you apply for it? There was a warrant against me, and I went to see to get some money, and Hunter brought me 1s. 6d.

(By the Court).—Did he tell you you would get more? He gave me that to get a bed: he told me not to go home that night.

Did he say you would get more? Yes, he said he would see and get more for me: he wished me to leave the country.

Did you understand that he spoke for the Association? Yes, he told me he went to the committee: he came out of Mr. Francey Gibb's house, and gave me the 1s. 6d. and told me to take a bed.

(By the SOLICITOR-GENERAL).—And he was to get you more money? Yes.

When did you get the rest? The week following.

Where had you been in the meantime? I had not gone home after that.

What was Francey Gibb? A spinner—a member of the Association.

(By the Court).—Did you know Hunter to be a committee man? Hunter told me he was one of the committee.

(By the SOLICITOR-GENERAL).—How did you come back? I could not get money.

Do you know what is meant by No. 60? Idle spinners go under that name.

(By the Court).—Did you commit your assaults on Currie of your own authority? No, we got instructions to do it.

(By the SOLICITOR-GENERAL).—You say *we*,—what other persons were engaged in it? There were other two along with me, one Galbraith, and another of the name of Harvey.

Who gave you the instructions? Two of No. 60—two of the delegates of the Association.

Can you tell us the names of those two? White and M'Gregor.

Do you know, on point of fact, that they were two delegates? Yes.

When they gave you the instructions, did they give you any promise? There was so much paid for every man that was put away of the new hands that were working.

Did you understand this when you undertook it? Yes.

Was Currie severely beaten? No.

Did you understand how much was to be paid if he had left the work? 20s. was to be paid for every man that was put from his work.

Did Currie leave his work? I cannot say.

When Hunter gave you the 1s. 6d. and told you there was a warrant against you, how was the conversation introduced? He sent word to let me know that a warrant was out against me.

Did he speak anything about Currie being beaten? No, I do not think it.  
JOHN DOUFFY—(Examined by Mr. HANDYSIDE)—You are a labourer?  
Yes.

You know Clyde-street in Anderston? Yes.

Do you know a shop in that street which last summer was occupied by a Mr. M'Donald? Yes.

Had he a spirit shop in that street? Yes.

Do you remember on a Saturday night in July going down Clyde-street late at night to take a glass? Yes.

Luke Connelly and some others were with you? Yes.

As you were going down the street did you hear the report of a fire-arm? Yes.

Was it a loud report? Yes, it was loud.

Did you see the flash? I did not.

How far down the street might you be at that time? I could not really say how far down.

Were you about half way down the street? Yes.

After hearing the report, did you meet any person coming up the street? Yes, two men coming up on the west side of the street.

Were they abreast, or how were they walking? One was before the other.

Were they at any distance from each other? A yard or two—I could not say exactly the length.

Did they go up the street past you? Yes.

Did you make any remark when they were passing? I looked at the man that was hindmost.

You did not observe the first one so well as the second? No.

Were they walking up fast or slow? Not very fast—smartly.

What like was the second man? I could not say.

Had he dark clothes on? Yes.

Was it a long coat? Yes.

What sort of trousers? I could not say about the trousers.

Did you observe what he had on his head? No, I could not say.

You had not seen the man before? No.

What sort of face had he? I could not say.

Was he tall or short? He looked gay and tall; but I could not say about his height.

Was he spare man or a fat man? I could not say about that: the man was passing me by, and I gave just a look, and observed he had a dark kind of coat on him.

Was the first man about the same size as the last? I could not say: I took no notice of the first man.

Was the hindmost a young or an old man? I could not say.

After this man passed you, did you hear any cry? Yes, I heard a wife cry that her man was shot.

Did you go forwards? Yes; I saw the man lying on the broad of his back: I went forward, and the other two men: he was bleeding about the time, and Jimmy O'Donnell began to lift him, and I kept the crowd back; and the man cried murder! murder!—I'm gone.

You did not meet any other person between this man and the woman? No.

A crowd gathered? Yes.

Did you carry him to a doctor's shop? We did, to a doctor's shop at the head of the street.

Did you hear the name of the man that was shot? Donnelly asked his name, and I was told it was John Smith.

Did you hear the man say any thing as to what he was shot for? No, I did not hear; I was keeping back the crowd.

(By the Court)—When you got up to the man lying on the ground, did you see anything of a woman with a man by her who was rather tipsy? No.

You did not see any other woman with a man tipsy on the street? No.

Was there any woman there? There was a crowd gathered, and there were women among them.

You said you made no remark, but just looked at the hindmost,—do you recollect whether O'Donnell or the others made any remark on the two men passing on the west side of the street? No, I do not recollect.

Were there any more than two with you? There were four of us altogether,—one of them a boy.

What is the boy's name? Bonar.

When the crowd was about the body, did you hear any person there, man or woman, say that they had seen the shot fired? No, I did not.

When you came up, did you see anything of a drunk man at all? No, I do not remember seeing any drunk man.

Were you and your three companions, including the boy, the first that came up, or were there any there before you? I could not say.

You were going down the street when you heard the shot? Yes.

You went straight on to where the man was lying? Yes.

And you had not to walk far before you came up to them? Not very far.

LUKE CONNELLY—(Examined by Mr HANDYSIDE)—You are a labourer? Yes.

You know John Douffy, and James O'Donnell, and Neil Bonar? Yes.

Do you recollect going down Clyde-street with them, on a Saturday night, in July last? Yes.

When going down the street, did you hear the report of a gun or a pistol? I heard a report—I could not say whether it was of a gun or a pistol.

Did you see a flash? Yes.

How far were you down the street at this time? More than half way down.

Do you know where there is a church, and a wood-yard, in the street? Yes.

You had not got that length? No.

Were you near it? I could not say how near.

After you had heard the report, and seen the flash, did you meet any persons coming up the street? Yes.

You were in the middle of the street? Yes—I saw two men going up the pavement.

On which side of the street? The right, as I went down.

That is the west side? Yes.

Were they following each other, or were they a-breast? I could not just discern.

How were they walking? At a regular step—midding quick,

Did they appear to be old or young men? I could not say.

Did you see either of their faces? No.

Did you observe their dress? No.

Did you see where they went to? No.

They went up the street? Yes.

After you had heard the report, and these men had passed you, did you hear any cry? Not for ten minutes or better.

Did you stop when the men passed you? No.

You walked on? Yes.

You saw a flash, you say? Yes.

How long after the flash did you hear the cry? About the space of ten minutes.

Did you come to a man lying on the ground? Yes.

You had stopped on the way? No.

How long would you take to walk from the place where the men passed you, to the place where the man was lying? I could not say.

Is Clyde-street a mile or two long? I could not say how long it is.

Did you walk straight on after seeing the flash till you heard the cry, and when you stopped? Yes.

What was the matter with the man lying on the ground? He was bleeding.

Did you learn the cause of the bleeding? I heard him telling another man that he did not know the instigation of his being shot.

Did he add anything more? No.

Did he continue to speak,—and what did he say? James O'Donnell asked him what he was shot for, and he said he did not know what was the instigation of his being shot, unless it was because a spinner in Houldsworth's mill.

After hearing this, and seeing the state in which this man was, did you go after the men that passed you, and try to find them? No.

After passing these two men, did you meet with any others till you got to the man on the ground? No.

JAMES O'DONNELL—(Examined by Mr. HANDYSIDE)—You are a labourer? Yes.

Do you remember, on a Saturday evening in July, going down Clyde-street, in Anderston, to take a glass along with Douffy, Connolly, and the boy Bonar? Yes.

Did you hear, in going down the street, the report of a gun or pistol? Yes.

You were then walking down the middle of the street? Yes.

When you heard the report what did you do? We all stood still when we heard it.

Did you see any people passing up the street? Yes.

Who did you see? I do not know.

How many did you see? I could not say—the working folks were going about the street: I am on oath, and could not say how many—it was dark, and there were no lamps lighted.

Did you see any figures passing up the pavement? I do not understand that.

Did you see any men passing you? Yes.

How many? There were men going up and down the street, I could not tell who they were.

Were you in liquor that night? No.

Did the report alarm you? Yes.

And you halted? Yes.

Were you and your friends all walking abreast? Yes.

Where were you placed amongst them? I could not say.

Whether were you in the middle, or on the outside? To the best of my knowledge, I was on the outside.

Did you hear any screams or cries? Yes.

What did you hear? I heard Smith's wife clasping her hands, and roaring murder, that her husband was shot.

Did you go forward? Yes: and found that he was shot.

Did you ask him what he was shot for? Yes: he said it was because he was a nob in Houldsworth's mill.

NEIL BONAR—(Examined by Mr. HANDYSIDE)—Do you remember going down Clyde-street, in Anderston, along with Luke Connolly, J. Douffy, and O'Donnell? Yes.

You heard the report of a pistol or gun? Yes.

After hearing that report, did you observe any person pavement coming up the street? I saw the appearance of two persons

On what side? On the west side.

Did you observe the dresses of these men? No.

Did you see any of them using their hands in any way? No.

Did you see anything remarkable about any of them? No.

Were they going fast or slow? Fast.

Did any of your party make any remark about any of these men? Nothing was said on their passing; but after that Luke said, 'if the butt end of the gun was foremost he would have a stinking potful.'

Had you, at that time, any doubt that these were men that had been concerned in the shot? I did not think there was anybody shot at—I thought it was only squibs.

Did you think that Luke, when he used these words, thought they were squibs too? I don't know about that.

**JAMES M'DOUGALL**—(Examined by Mr. HANDYSIDE)—You are a criminal officer in Stirlingshire? Yes.

Do you remember having a warrant put into your hands to search for one William M'Lean? Yes.

When? On the first Friday in August last—I think the 4th of August.

You made inquiry after him? Yes.

You got the assistance of a Glasgow officer? Yes, Donald M'Lean: I had some information previous to that, which would lead me to obtain the object which I had in view.

Where did you go to on the Sunday? I went to the house of James Smith, calico-printer, Craighead, Campsie.

What made you go to that particular house? On the road leading from Campsie to Kirkintilloch, I had observed M'Lean's father coming up with a small bundle below his arm at a hard pace.

Was that near to Smith's house? About 400 yards from it, I suppose.

You traced him to this man's house, Smith, the calico-printer? Yes.

Who followed? I sent Robert Brown to follow the father wherever he went to, and he gave me the information where he had traced him to: I went to Smith's house after that.

Did any body go with you? Not at that time: this was on the Sunday. I went up stairs, and opened the door to the right hand, and found M'Lean, the prisoner, writing at a table.

Did you address him, and what did he say? When he saw me coming into the door, he snatched the letter he was writing into one of his coat pockets. I asked him his name—he said John M'Intyre: I asked him where he stopped—he said he was occupier of this house. His father was sitting by the fireside, and I pointed to his father and asked, 'who is he this?' 'He is a lodger,' said he: I looked at him, and said, 'come, tell me your proper name?' 'Well,' said he, 'William M'Lean.' I then told him he was my prisoner: he asked what it was for—I told him for murder.

Did you search him? Yes.

What did you find on him? I found the letter on him that he was writing, and some ticket connected with the Spinners' Association.

Look at this ticket—(No. 55 of inventory)—is that it? Yes: while engaged in this conversation with M'Lean, Donald M'Lean came in, and Robert Brown.

When you told him it was for murder, what did he say? He did not say anything.

Did you mention the murder to him? No, I did not say any particular murder; I just said it was for murder.

Did he appear agitated? Very much agitated—he wanted his handkerchief to put about his neck; and when he put his hands up I felt he was all trembling.

Was there any conversation on the road? I walked behind him—the others walked alongside of him.

He never asked at you what murder? No.

**DONALD M'LEAN**—(Examined by Mr. HANDYSIDE)—You are one of the criminal officers of Glasgow? Yes.

You went out to Stirlingshire in the beginning of August last? Yes.

To apprehend the prisoner M'Lean? Yes.

You went along with M'Dougall, the sheriff officer? Yes, on the Sunday following.

You saw the prisoner's father? Yes, I traced him to a particular house in Campsie: M'Dougall entered the house first, and I followed him.

Did you hear any conversation between M'Dougall and the prisoner? M'Dougall asked his name, and the prisoner said his name was John M'Intyre.

What farther occurred? Nothing farther there.

You brought him to Glasgow? Yes.

Was he wearing whiskers at the time? No.

Did you inform him of the charge against him? Yes, I told him he was ac-



cused of shooting John Smith of Anderston, on the 22d of July : he said he was not guilty of that charge : this was in the house, and on our way to Glasgow : I asked him how he went to that house in Campsie ? he said he heard that some of the Glasgow spinners had been taken up, and that he was accused of assaulting a Mr. Millar four or five years before that, and had gone out of the way, for fear of being taken up on account of that charge.

JOHN MATHESON—(Examined by Mr. HANDYSIDE)—You are a sheriff-officer of Glasgow ? Yes.

Were you employed to search the house of William M'Lean, the prisoner's father ? Yes.

Where is that house ? In King-street, Glasgow.

Did you find these papers there ? (Nos. 24, 25, inventory) Yes.

What time was it ? On the 4th of August, in his father's house.

What part of the house did you find them ? In a large chest of drawers in the room.

(Nos. 24, 25, were then read by the Clerk of Court.)

THOMAS LOAG—(Examined by Mr. HANDYSIDE)—You are a cotton-spinner ? Yes.

And a member of the Association ? Yes.

You know the prisoner M'Lean ? Yes.

You remember the 22d July last ? Yes.

Did you see M'Lean that day ? Yes, in the Green, on Saturday night, putting a stone, and a great number more.

Did you receive your aliment that night ? That night.

How was he dressed that day ? He had a green coat, moleskin or cloth trousers, I could not say which.

Did he wear a hat ? Yes.

After the meeting on the Green, what did you do that night ? We went to the Cross—about ten or a dozen of us—and stood a little there.

At what time was it you got to the Cross ? About 9 o'clock, I think, or a little after.

Did you remain there or did you go home ? I stopped there till I got my aliment, and then went home.

Was it at the Cross you got your aliment ? Yes.

You remained at home all night ? Yes.

When did you next see M'Lean ? On Monday.

What time was it ? About 8 o'clock in the morning, at a meeting on the Green, a meeting of the shop.

Had you any conversation with him that day ? No.

When next did you see him ? I did not see him for two or three days.

Where did you see him next ? About the Cross or the Saltmarket.

Had you any conversation with him at that time ? None.

Did you see him again after that ? I saw him on Sunday after that.

Where ? In Calton.

What time of the day ? Between 12 and 1 o'clock.

Had you any conversation with him then ? No, I just gave him a nod, and passed him.

Do you know his father's house ? Yes, he lives in King-street.

Were you asked by his father to sign a certificate about William ? Yes.

Did you sign it ? Yes.

What was the certificate you signed ? His father told that it was to let his neighbours see that William was in a company that night in Cameron's house at 12 o'clock : so I signed it.

What night do you mean by *that* night ? Saturday night, the 22d.

Did you ever see that paper after you had signed it ? No.

What day did you sign it ? On the afternoon of the same day that I signed it, I went up to his father's house and said I could not swear to seeing him at 12 o'clock : he said he would draw out another one, and lay the other one aside.

Did you see another one made out? No, I did not sign any other.

Look at that paper (No. 24 of inventory)—do you see Thomas Loag there? Yes.

Is that not your writing? No, this is not my writing.

You never signed that paper? No.

Look at the handwriting of the certificate,—do you know that handwriting? No.

Have you seen William M'Lean, the prisoner, write? Yes.

Are the certificate and name like his handwriting? I could not say.

Do you see 'William M'Lean' at the bottom of that writing? Yes.

Do you see 'William M'Lean,' higher up, near the top, in the body of the writing? Yes.

Compare them, and say what your opinion is now? I could not say: I have seen him write, but was sitting at the other end of the room.

Can you remember when it was that his father came to ask your signature to the certificate which you did sign—was it before the cotton-spinners were seized in the Gallowgate? I think it was before that.

Mr. ROBERTSON said,—My Lords, from the description of this paper in the inventory, it is a paper bearing to be 'copy certificate as to William M'Lean.'

(Cross-examined by Mr. ROBERTSON)—Whether that paper is in M'Lean's handwriting or not, do all the names appear to you to be in the same handwriting? Yes.

You did sign a paper which M'Lean's father said he would set aside? Yes.

After you went to the Cross on that Saturday night, can you tell us any of the men that were there with you? Yes, there were Alexander Stevenson, John Thom, John Millar, John Andrew, James Grieve, either William or John Lockhart, James Corregan, Andrew White, and William M'Lean.

You all came to the Cross from the Green, after you had been putting the stoné? Yes.

Do you recollect whether any proposal was made to go to Cameron's house that night? Yes, some of them proposed to go, and went there till they could get their aliment, instead of waiting on the street.

Who was it that came back with the aliment to you? I did not go to Cameron's.

Did any of them go to Cameron's? A good many—near a dozen of them.

Who gave you the aliment? A man of the name of William Johnstone.

Was he one of those who had gone to Cameron's? No.

Look at that, (No. 25 of inventory), did you ever see that before? Yes, this is the paper that was drawn out, to which we put our names.

(By the Court)—Was you asked to sign it? No.

(By Mr. ROBERTSON)—Did the father give it to you? Yes.

What did you do with it? I took it over to a house where the men were, one Mrs. Stevenson's, Hutchesontown, the night the strike was settled, and left it on the table for the men to sign.

What do you mean by the night the strike was settled? They were going to begin to work.

When was that—was it after the committee had been apprehended? Yes.

How long after? Six weeks or a month after the man had been murdered, I think.

Did you see the men sign it? Yes.

(By the Court)—This bears the date of 3d day of August—that is not six weeks after the 22d of July? I said I was not sure.

It was sometime after the committee had been apprehended? Yes, sometime after that.

(By Mr. ROBERTSON)—You said you saw M'Lean on the Green on Monday morning? Yes, at a meeting of the shop.

How many were present? More than twenty.

And a great many people were on the Green, I suppose? Yes.

The next time you saw him was two or three days after at the Cross? Yes.

What time of the day? About the middle of the day.

The next time you saw him was in Calton—what time of the day was that? Between 10 and 12 o'clock.

On the street? Yes.

Was he going about in his ordinary dress? Yes.

How was he dressed? He had a green coat, dark moleskin or cloth trousers, and a hat, the same dress as before.

And he was going publicly about and nothing remarkable about him? Yes, and nothing remarkable that I saw.

Did you come under any obligation or take an oath when you became a member of the Association? No.

When were you admitted? When I got a pair of wheels.

When was that? In 1834.

You took no oath, and took no obligation of secrecy at any time? No.

Where was you admitted? No where—I just joined and paid my instalments.

ROBERT MACOME—(Examined by Mr. STEWART)—You are a writer in Dumbarton? Yes.

Were you employed to conduct the defence of some persons indicted in the Circuit Court of Glasgow? Yes: I was first employed in December.

Who were they? Three cotton-spinners, charged with assaulting and mobbing at Duntocher mill.

Was there a strike at this mill? Yes.

Do you remember the names of these three persons? O'Donnell, M'Allian, and Munholland.

Who employed you? Robert Currie called on me.

What was he? A spinner.

Was any one with him when he called? Not the first time.

Did any other call with him at another time? Yes: one of the name of John Bunyan.

Did he consult you as to these people getting bail? Yes: that was the cause of his calling on me.

Did you tell him what to do to get bail? I told him he would require to apply to the sheriff to get the men admitted to bail; and he desired me to draw out a petition.

Who became cautioner? I did so myself.

What was the penalty in the bail-bond? £20 each, £60 altogether.

Did you make out any condition? Currie said he was a stranger and could not readily find caution: he asked me if lodging money with the sheriff-clerk would do equally well. I said I did not think the sheriff-clerk could take the money, and said if he could not find a cautioner, and would lodge the money with me, I would sign the bail bond. The £60 was lodged with me accordingly.

By whom? By Robert Currie—he paid me the money.

Did you give any obligation in return? Yes: I granted an obligation to repay it if it was not forfeited.

Were those men indicted to stand trial? Yes.

At what Circuit? The April Circuit at Glasgow.

What took place? The case was called, and Munholland did not appear, and the diet was deserted in consequence of a witness not appearing, and they were recommitted on a new warrant.

Had you any communication with any one in Glasgow? Yes: I employed counsel, and he instructed me to procognose witnesses. I wrote to the persons that employed me in the case, to say that if they could get witnesses, and let me know where to see them, I would attend and procognose them. I attended in consequence at the Black Boy tavern, and precognosced witnesses.

After the Spring Circuit you returned to Dumbarton? Yes.

Did you hear anything more of it? Yes: Peter Campbell, two days after, called on me, and requested me to sign the bond again for those two persons, which I did.

Who is Peter Campbell? A spinner.

Where does he live? In Glasgow, I believe.

Where have you seen him in Glasgow? I think the first time I saw him, was in the Black Boy Close, it was either there or in the Circuit Court.

Did you become cautioner again for the two other men? Yes: a fresh bond was made out, and the same penalties required, £20 each.

Did you get back the obligation you gave for the £60? Yes: and I made out another for £40.

Is this the obligation? (No. 18 of inventory) Yes: it is addressed to John Bunyan and Peter Hacket. When writing it I asked to whom I would address it. He said, besides addressing it to him, to address it to Peter Hacket also.

Were these persons indicted at the Autumn Circuit? Yes.

Did you attend the Circuit court? I understood the trial was not to come on.

What was done at the Circuit? The case was not called: I got a letter from the sheriff-clerk, intimating that I need not attend.

Did you give up the money again? Yes.

To whom? Peter Campbell called on me with other two men, I forget the names, wishing the money: I said I could not give them the money then, as the time had not expired in the bond, and the case might be remitted to the sheriff.

Did you afterwards learn that the case was not to be proceeded with? I said if they brought me a letter from the advocate-depute that the case was not to be proceeded with, I would pay the money.

Did you get the letter? Yes.

Did you get a discharge when you paid it? Yes.

Is that the discharge? Yes: (No. 20 of inventory.)

Did you receive that letter, (No. 19 of inventory)? Yes.

What is the date? December 26, 1837. (Witness then identified Nos. 30 and 31.)

(Cross-examined by Mr. ROBERTSON)—The case was finally abandoned against the two men for whom you latterly became bail? Yes.

And you saw a letter from the depute-advocate to that effect? Yes.

In the conference you had with Currie, or with Campbell, or with any other of the parties, was there any understanding expressed or implied that anything should be done for getting Munholland, or any of the other parties, out of the way? No, they would not have got me as cautioner had anything of that kind been understood.

There was no understanding that the bail should be forfeited? No.

Was anything said about securing Munholland's appearance? No.

Do you know whether messengers were sent for this purpose? I am not aware of it.

There was nothing wrong in this transaction? Nothing.

(By the Court)—Is Duntocher in the county of Dumbarton? Yes.

Did you pay the penalty of £20 for the man that was outlawed? I paid it to the sheriff-clerk.

You said the case went off in April for want of a witness—do you know or not, whether a witness did fail to appear? I do not know, to my own knowledge.

The SOLICITOR-GENERAL stated, that he did not mean to trouble the Court with any more witnesses; and would now proceed to give in documentary evidence.

All the productions were put in, with the exceptions of Nos. 2, 22, 27, and 34.

Mr. HANDYSIDE begged to call the attention of the Court to the fact, that the names mentioned in the libel, were all found in the aliment book, and in the debt book also, with one exception.

Several of the productions were then read by the Clerk of Court.

## EXCULPATORY EVIDENCE.

WILLIAM M'GRAW—(Examined by Mr. ROBERTSON)—You are a cotton-spinner? Yes.

How long have you been a member of the Association? Rather better than five years.

Where were you admitted? In Smith's tavern, Black Boy close.

Was any oath administered to you on your admission? None whatever.

You are sure of that? Quite sure.

Was there any obligation or understanding of any kind to do acts of violence or injury to person or property? I never heard tell of such a thing.

What was the general purpose of the Association? To support just and lawful strikes, when the masters reduced our wages, and to keep up our own rights when we saw there was a necessity for it,—when we thought there was no occasion for the reduction.

You remember the strike in April last? Quite well.

Where were you working? In Mr. Hussey's mill.

Were you a delegate from that mill? I was.

Who had been delegate before you? John Adam.

Was there any reason why you were sent as a delegate instead of him? None but that he was going to Ireland to see his friends, during the time of the strike, and I was chosen delegate in consequence of his retiring.

What was the duty of a delegate? To take the general sense of the shop to the meeting of delegates; and if it was not in the power of the delegate to vote for the resolution that was proposed, the general sense of the body was taken.

By the general sense of the body, do you mean the whole trade? Yes.

When were you appointed delegate from Hussey's? About a fortnight or three weeks after the strike, as near as I can guess.

Were you a delegate in the month of June? Yes, during the whole of that month.

Did you attend the meetings of the delegates regularly during the month of June? Yes.

Do you remember a public meeting of all the trades held in the Green, at which Dr. Taylor made an address? Quite well.

What day was that? I could not say as to the day accurately; but as near as I can guess, it would be about the middle of June.

Was there only one public meeting where Dr. Taylor spoke at that time? I know of no other.

There was a very large meeting, I suppose? Very large.

What time did it break up? After 8 o'clock, I think.

Where did you go after that? To a delegate meeting held in Smith's: I left Taylor's meeting before it was broke up.

What time did you go to the delegate meeting in Smith's? About five minutes to 8 o'clock, as near as I can guess.

Was 8 o'clock the hour? It was.

The meeting was in the committee room? Yes, the kitchen, which is the committee room.

Had the meeting been constituted before you went there? Yes.

Who was in the chair? Adam Dickson presided at that meeting.

That you are sure of? Quite sure.

Do you know the prisoners? Four of them—I do not know M'Lean.

Were they at that meeting? They were not.

Were you there till the meeting broke up? I was.

What time was it? It broke up about half-past nine o'clock, as near as I can guess.

What was the business before the meeting? To see and bring about arrangements between masters and men, and try and raise supplies: it would have been better if the committee men had been there; but none of them were present.

What committee do you mean? The finance or supply committee—they were to receive instructions from us.

Do you know a man of the name of Moat? Yes—James Moat.

Was he at that meeting? I did not see him there.

Do you know a man of the name of John Davies? I do not.

Do you know a man of the name of William McGowan? Yes.

Did you see him there? I cannot recollect.

Was there at that meeting any proposal made by anybody for electing a secret select committee? There was not—no such thing was brought forward.

Or a select committee? There was not.

Or any committee, or number of persons under any name, the purpose of which was to control or superintend acts of violence, or to have anything to do with acts of violence? I never heard of any such thing.

Do you swear that in the plain words you have now spoken, without equivocation or reservation of any kind? I do, so help me God.

You say you attended all the delegate meetings held in the month of June? Yes.

At any of the meetings either of delegates or of the Association, did you ever hear of a proposal of any committee of the kind or character I have described? None whatever.

You swear that? I swear that.

Did you ever hear of such a thing? Never.

Did you ever hear of a guard committee? Yes.

What was the purpose of it? To see if any of our hands were going to work at the mills, and were at the same time receiving alimant from the Association; and to see if the strike was likely to be prolonged.

Were you to do anything with the new hands? No: just to offer them the same alimant we got ourselves and nothing more.

Were they allowed to treat, and endeavour to persuade them? Yes: if they could persuade them by fair means, they were allowed to do so.

Was giving them whisky considered within fair means? Yes: to give them a glass or so, to see if they were agreeable to go on, and if not they might please themselves.

Did you ever act as a guard yourself? Yes.

When? During the strike.

At whose mill? Mr. Houldsworth's, also at Oakbank.

What did you do? I went to see if there were any of our hands going in, that I might report them, so that they might be cut off from receiving any more alimant from us.

Do I understand you to say that you had attended all the delegate meetings from the time of your appointment till the strike finished? No; I ceased to be a delegate about the end of June, but I attended all the delegate meetings while I was in office.

(Cross-examined by the SOLICITOR-GENERAL)—You took no oath, you say, when you were admitted? No.

You never saw one administered to any one else? No.

Did you ever hear of one being administered? I never heard anything about an oath at all.

You never heard of it being customary to take an oath? I never heard of it.

The Association had continued a great number of years before you entered it? Yes.

But you never heard of any oath being taken at any time during the Association? Never.

Did you ever happen to see a Bible in the committee room? I never saw a Bible in the committee room when I was there.

(By the Court)—Do you know a Bible when you see it? Yes.

(By the SOLICITOR-GENERAL)—Did you ever hear of the words "Ashdod," and "Armageddon?" Never.

Well, they are in the Bible, and you may have seen the Bible, but you have not read it: your object was only to get a proper rate of wages? Yes, that was the meaning of our union.

How did you intend to make the masters give you the rate of wages that you wished? By standing out, and preventing them from producing goods in the market, we thought we would beat them.

Was there any rule of the Association that the resolution of the majority should guide the rest? Yes, there was a rule to the effect that anything that was carried by a majority, was to be acceded to by the rest.

Suppose a man was in the minority, and would work, might he work if he pleased? He might; but if he did not work he would get the same alimant as the rest.

Did he remain a member of the Association if he worked after they resolved to strike? He would not be a member in that case.

What was he called? He was called "Nob."

Did you ever hear of No. 60? Yes—the men that received alimant after they left their wheels.

You say you have heard of a guard committee? Yes.

When was the guard committee appointed at the last strike? I could not say: it might be about five or six weeks after.

Were you a delegate at that time? Yes.

Did you see the guard committee appointed? I did not; it was appointed by a general meeting of the body.

It is not appointed by the delegates? No.

And you were not at the general meeting when the guard committee was appointed? I was not.

You have been a guard yourself? Yes.

Did you get instructions about your duty? Yes.

Who gave you instructions? The guard committee.

Tell us who they were that gave you instructions? John Parker, Walter Morrison, John Trotter, Samuel Shiells.

What were their instructions to you? To go and see if any of our hands had engaged themselves at the mill, so that their alimant might be stopped, and to see how long the strike might be prolonged.

How many guards were put on the mill? According to the size of the mill, 3, 4, 5, or 6.

Were these guards regularly relieved? They were regularly relieved.

The guard was on all day? Yes.

Had the guard no duty to perform but to look on and report? Nothing else.

Were they asked to speak to them? Yes, to endeavour to persuade them, but not to ill-use them or give them any bad language: these were the orders we got, so far as I understood; but some of them might go through them: these were the orders I received.

Did you ever hear of nob's being molested? I have heard of it; but the guards, in that case, acted against the law: they were ordered not to use violence or foul language.

Did you ever hear of any guards being put out of office for that? No; but I have heard them getting a reprimand.

For what? For going beyond their duty if they used violence.

Then they did use violence? I have heard of it, but I never saw it: I do not know whether they used violence when on guard or off guard: it was no part of the Association generally to interfere with the nob's: they got instructions—every man—not to meddle with them, or interfere with them.

And they all acted up to them? I have heard some were ill-used,—I have heard of them getting a licking.

You say you have heard of nob's being maltreated? Yes, by the talk of the neighbourhood.

Did they say that that was done by members of the Association? It was generally allowed that the cotton-spinners had done it.

Were those cotton-spinners who maltreated the nob's members of the Association? By saying cotton-spinners, it is generally supposed that they are members of the Association.

Was that ever mentioned at the meeting of the delegates? I never heard tell of it.

And you never heard it mentioned at a meeting of the delegates? When the business came on it was never spoken about: it might have been talked about for anything that I know.

Do you recollect a man of the name of David Keddie? I never heard of him.

Did you never hear that he was committed and tried for an assault on a nob? No.

You did not know that he was a cotton-spinner? No.

Did you ever hear of the guards being taken off a little in the course of the last strike? I think that was in May.

What was the cause of it? It was spoken of at a general meeting in the Dovehill: I was not at that meeting, but it was about the masters complaining of the men walking about the mills.

But did you not hear of it? I heard that the guards were put off.

What meeting was that at Dovehill? It was in the Universalists' Chapel.

And who attended it? It was attended by one out of every five of the whole trade.

You belong to Hussey's mill? Yes.

There were delegates sent from that mill to the meeting? Yes—one out of every five.

Did they report to the shop? Yes, they reported.

Was you at the shop meeting when the delegates reported? I could not say—I might be, but I cannot recollect whether I was there or not.

Did you ever hear, as a member of Hussey's mill, what was the report brought from that meeting in the Universalists' Chapel? There was an account of some disturbances—some men were taken up, and the masters complained, and said that the guards should be taken off.

Some disturbances? Yes.

Were the men taken up cotton-spinners? Yes.

You did not hear any of their names? No: there were some taken up from the Mile-end factory.

What were their names? There was one John M'Laren, I think: 4 or 5 were taken to the Calton Police, but that was the only person I knew by name.

You attended every meeting of the delegates, so that you were well informed; it was your business as delegate to carry to the general meeting the sense of Hussey's shop, and it was your business to know what was the sense of Hussey's shop, and to bring back to the shop the intelligence of what passed at the meeting? Yes.

And you never heard of a man of the name of Keddie? Never.

Was a nob in safety to go into any shop and work? Yes; I saw no annoyance.

The orders of the Association were that there was to be no molestation? None.

And that every man might go and work where he pleased? Yes, they allowed a man to work where he pleased.

But never gave him alimony when he wrought? No.

You were a guard at Oakbank? Yes, at Thomson's, Houldsworth's, and Wood's.

Did you never hear of disturbances raised at these mills by the cotton-spinners? I heard of some at Oakbank, but I was not at it: I heard tell of it in different places, and it was generally allowed that it was the spinners that did it.



Was it safe, do you think, for a nob to walk about in Glasgow by night as well as by day? Yes.

If you had been a nob yourself you would not have been afraid of any violence? No, I have seen them as late as myself many times.

You never heard that they were in any particular danger in walking across the Glasgow Green? I never heard it.

Nor along Bridge-street? Never.

They were not exposed to any danger at all? No, I never saw any: I have seen them out as late as myself—drunk.

The day of Dr. Taylor's meeting in the Green, there was a meeting of delegates at the Black Boy Close? Yes.

You was there before the chair was taken? Yes.

And Mr. Dickson was put in the chair? Yes.

He was a cotton-spinner, and a member of the Association? Yes.

You never put any body in the chair but a member of the Association? Nobody would attend but cotton-spinners.

Dickson was not a delegate? No.

And it was a meeting of delegates, and he had no business there? I have seen many cotton-spinners there who were not delegates; and some one just looked around and named a man to take the chair.

Did you see any man in your shop put into the chair? No.

Did Adam give no reason for retiring except that he wanted to see his friends? He gave no reason whatever but that.

Did he state that as a reason? He stated it at a public meeting of the shop; and he did go, and staid about a month.

Tell us what took place at that meeting in the Black Boy close? There was no particular business further than to see how the strike stood, and to raise finances: if any one said he knew where money might be got, his opinion was taken down, and minutes were taken down by the chairman.

Had the chairman a book in which he put them down? No, he just got a simple sheet of paper.

This was done at every meeting of delegates? Yes.

What became of all these sheets of paper? I suppose when they got the money they were generally destroyed.

You do not know what became of these minutes? No.

Were they signed? No—it was only a memorandum where a few pounds might be got: I might say that I knew where a few pounds might be got, and this would be taken down, and the finance committee would go with me another day, and make a contract with the man, and get the money.

Were these memoranda ever produced again at other meetings? I never saw them.

What business was done at that meeting in June? No particular business.

What was proposed? They proposed that they would stick out, that the reduction was shameful.

Did any body make any motion to that effect? No motion whatever: they just discoursed on the way the masters were using us.

None of the finance committee were there that night? None.

Nor of the supply committee? None.

When did the meeting break up? At half-past 9 o'clock, as far as I can guess.

Did you all go away? Yes, so far as I know—I did not watch them all.

Was there any reason why the finance committee were not there? No reason whatever—there were a kind of dissatisfaction that they were not there.

Did you ever hear of a persecuting committee? Never.

Did you ever hear of such a thing as a certain sum being given for unshopping a nob? I never heard of such a thing.

There are no secrets in this Association? I never heard tell of any secret.

And being constantly there, you must know as much as any other body could do? I should think so.

There could not be any minutes that you did not know of, and that were concealed from the rest of the trade? There might have been some, but I never heard tell of any.

You said there were no secrets in the Association? Not that I know of.

What did the West country spinners pay for getting into the union? I do not know, I never heard of them paying anything.

Try and recollect? There was a time when the finances were very large, and they were made to pay £5.

When was that? About six or nine months before the strike.

You never heard of anything being paid to No. 60 during the strike? No.

Do you know that the illegal men were to pay 5s. a-fortnight, along with the regular instalments? Yes.

Could they be admitted as legal members till that £5 was paid up? They were not entitled to be members till it was paid up.

If any illegal man should become refractory, and not agree to these reasonable terms of union, did you ever hear that No. 60 should receive so much for them they unshopped; and that they should also be paid for every stranger they might keep from occupying wheels? Never.

And that in both cases No. 60 should be obliged, by a referee, to prove that they had done the one or the other, or both? I never heard of it.

Did you ever hear of a man being rewarded for unshopping a man? Never.

Did you see the schedules that were sent round the shop about the expenses of the Association? I did.

I suppose they were very well considered when they went down? Yes, every man got a look at them.

Did you ever see in these schedules sums of money as expenses for No. 60? Yes, that was their aliment—that was allowed to them, and nothing else.

Separate from the sum in the aliment book? It was all put into one sum, and added up together.

Where was it added from? It was from the income; and then the outlay was on the other side.

And there were charges for No. 60? Yes.

Where were the particulars of that given—in the schedules? There were no particulars.

Where were the particulars kept? They were kept by the committee.

Had they a book for them? They had a trades book of their own.

Who got the schedules to read?—did you ever see the committee book? Yes, when I went in to pay some money.

You never checked any of these sums? Never.

Did you ever see considerable sums put down as expenses with nobbs? Never.

You never saw that charge at all? Never.

Do you know if any money was paid on that score to any body? Not to my knowledge.

You left the Black Boy Close that night at half-past nine o'clock? Yes.

In these schedules there are sums, too, for the expenses of guards? Yes,—there were a great many guards got refreshments during the time they were on duty.

You are not aware that any other charge was made on account of the guards, except simply for refreshments? No, that is all I heard.

(By the Court)—In that house of Smith's, there are two rooms that the Association use occasionally? Yes, they have a small room for the committee themselves, as there are so many coming about them.

ARCHIBALD MACKAY—(Examined by Mr. ROBERTSON)—You are a cotton-spinner? Yes.

How long have you been a member of the Association? Since 1823.

Where was you admitted a member? In Blantyre, in connection with Glasgow.

When did you come to Glasgow? In 1825.

Have you been there ever since? Yes.

Whose mills have you wrought at chiefly? I wrought first at Graham's, in Tradeston; M'Phael's, about twelve months; and between six and seven years in Barrowfield mills.

Did you take any oath on entering into the society? No.

Did you come under any obligation of secrecy? No.

Did you come under any obligation direct or indirect to do, or encourage any act of violence? No.

You are sure of that? I am.

Were you aware of any oath or obligation of any kind being undertaken to that effect by others? No.

Did you take any oath or obligation binding you to concur with the majority in things lawful? No oath.

(By the Court)—Did you come under any obligation or declaration? None.

(By Mr. ROBERTSON)—Was every member of the Association, after admitted, entitled to do what he pleased? Yes.

What are the purposes of the Association generally, and how were they to be effected? To endeavour to uphold by every legal and fair means the price of our labour.

During strikes, was alimient given to the men unemployed? Yes.

Was alimient given to unemployed men when there was no strike—do you know what number 60 meant? Yes.

What did it mean? Some years back, when a man lost his employment, a few shillings were allowed him for a certain number of months till he could get into employment, and it then ceased: it does not exist now: it was a name attached to the idle men who were getting alimient when there was no strike.

How long has it been done away with? Three years, if I remember.

Is that term not used now? No.

And has not been so for three years? Not to my knowledge.

Have you been a delegate? Yes, frequently.

Were you a delegate in May last during the strike? Yes, I came on towards the latter end of May.

From what mill? Barrowfield.

Did you continue to the end of the strike? I was three meetings absent.

You remember the great meeting Dr. Taylor had in the Green in June? Yes.

Was there a meeting of delegates that night? Yes.

Where? In the committee rooms, Smith's, Black Boy Close.

Were you at that meeting? Yes.

What time did you go? I left my own house about a quarter past 7 o'clock, and was there a few minutes before 8 o'clock: I stopped a few minutes to hear Dr. Taylor.

How long did you remain at the meeting of delegates? About an hour and a half.

Was it breaking up when you came away? Yes, it broke up when I came away.

Who was in the chair? A man of the name of Adam Dickson.

Are you quite sure of that? Quite sure.

Was he a delegate? No, not a regular delegate.

But it was a meeting of delegates? Yes.

Was it the custom for persons not delegates to be present at such meetings? Yes; so long as the room would contain them we made no objections.

The delegates did not bring up any written appointment from the mills? No.

Were the names of the persons present taken down in writing? No, they just called over the number of the shops.

How were the votes taken? The number of the shop was called, and the delegate voted, and he who was not a delegate sat still, and said nothing.

What was the business before the meeting? The ordinary business was to see how the different shops stood—how the men were standing out, and whether the masters were giving them any offer.

Anything else? No: that was the principal business before the meeting. Anything about raising the funds? Nothing of that kind—there were none of the finance committee there.

Was anything said about supply, or raising money? We generally spoke to each other inquiring if there was any money.

Was anything said about supply at that meeting? I do not think it.

Do you know James Moat? Yes, I know him to look at.

Did you ever hear him make a speech? Yes.

Where? I have heard him several times at the meetings of the Association in Dovehill-street.

Did you hear him speak that night in Smith's? No.

Did you see him there? I do not remember whether I saw him or not.

Do you know John Davies? Yes: I know a man of that name, a cotton-spinner.

Did you hear him make any speech? No.

Did you see him there? I do not think I did.

Do you know a man of the name of William M'Gowan? Yes—a cotton-spinner.

Did you hear him make a speech that night? No.

Did you see him there? I do not think I did.

Upon your great oath, was there during the period of that meeting any proposal to name a secret select committee? There was not.

Or anything of the kind? No.

Or any proposal made connected with any act of violence? No.

Did you hear any such proposal made at any other meeting, either of the delegates or at any other at which you were present? I never did.

Did you ever hear of the existence of any secret committee of any kind, under any name or form of expression? I never did.

Or the existence of any understanding that deeds of violence were to be encouraged? I never understood such a thing.

And this you state in the plain words now spoken, without reservation of any kind? Yes.

Were you at a meeting of the Association, in the Universalists' Chapel, when Mr. Gemmill, the writer, attended? Yes.

What was the object of that meeting? I came in when he was speaking, and the first thing I heard was his cautioning us against using any violence towards those men who were employed by the masters.

Had there been violence at any of the mills? Some people had been molested, and amongst the rest, spinners going to and fro looking at them.

Did Mr. Gemmill explain that people had been tried for violence? Yes.

And convicted? Yes.

Was that connected with Mile-end? Yes.

Do you remember any name mentioned? No.

What was the object of Mr. Gemmill's cautioning you against violence—what was done? We took a vote to abstain from all violence; and if any of our members would molest such people, we would have nothing to do with them whatever.

Who was in the chair at that meeting? James Gibb, the prisoner.

Did he enforce what Mr. Gemmill suggested and pressed on the meeting? He did.

Were the resolutions directed to be printed in the newspapers? They were.

Were they passed unanimously? They were.

Was this a numerous meeting? Yes.

How many were present? 400 or 500,—the hall holds 400, and it was crowded.

Look at that newspaper, the New Liberator,—you see an advertisement there in regard to this? Yes.

(The Clerk of Court here read the advertisement)—Is that a true

account of what passed at that meeting—it was published in the other newspapers of the day? Yes, in the Herald and other papers.

(Cross-examined by the LORD ADVOCATE)—You have been about 14 years a member of the Association, and you said that the members of the Association were under no obligation of any kind? No.

Now, in regard to other persons not members, did the Association conceive they had any power over such persons? No.

Since you have been in Glasgow, do you remember how many strikes there have been? Some partial strikes, but no considerable strikes till the last.

At what mills were these partial strikes? Graham's, and M'Phael's.

Had there been strikes in any of those mills during the time you wrought there? Yes, in Graham's.

Were any persons taken to work there? No; it only lasted two weeks: the men were taken back again.

Previous to the last strike, did you never hear of any violence to cotton-spinners? I heard that violence had been used, and the cotton-spinners blamed for it.

Did you believe that cotton-spinners had committed that violence? I did not.

Then you do not believe that any cotton-spinners, during that time when you were in Glasgow, ever committed any violence against another person for working as a mob? I never knew of it,—I do not believe it.

Do you believe that any vitriol was thrown, previous to the last strike, at persons for working contrary to the will of the Association? I believe there was; but I did not know of it.

Was that done by members of the Association, or by cotton-spinners? I do not know whom it was done by.

Do you believe it was thrown by cotton-spinners or not, for working contrary to the rules of the Association? I do not believe that cotton-spinners did it.

Who do you suppose threw the vitriol? I do not know.

Have you any conjecture or opinion in your own mind who threw the vitriol, or as to the motives for throwing it? None whatever.

Did it not appear a strange thing one person throwing vitriol on another? Yes.

Did you reflect on it at the time? Yes.

And no motive ever occurred to you about it? I thought it a very bad thing. Could a person gain any thing by it? No, I do not think he could.

Did you ever hear of any cotton-spinners punished for throwing vitriol? I do not remember hearing any of them being punished for throwing vitriol.

(By the Court)—Do you not recollect, having been in Glasgow since 1825, of 4 or 5 men having been tried before me, at Glasgow, and being convicted by the verdict of a Jury, and transported for 14 years, for throwing vitriol? No, I do not.

(By the LORD ADVOCATE)—When you came to Glasgow you would hear of what had passed in regard to this crime before—did you hear of vitriol having been thrown, and persons punished for it? I do not remember hearing it talked about.

You said you had heard of vitriol being thrown,—you reflected on it, and thought it wrong,—when did you hear of its being thrown? I heard it not at the time it happened, but I heard of it being talked about.

Persons spoke of it? Not to me.

To whom were they speaking? To one another.

Were you present and heard them? Yes, I overheard them talking of it, but no person spoke to me about it.

The LORD JUSTICE CLERK.—I have just to remind you, Mackay, that there is such a thing as prevarication, and it is punishable,—keep that in your eye.

(By the LORD ADVOCATE)—You say that nobody spoke to you about it, but

you heard persons speaking to each other about vitriol being thrown—when did you hear them speaking about it? I do not remember the time.

Did you hear it spoken about after you came to Glasgow, or did you never hear it spoken about after you came to Glasgow? Yes: I think it was after I came to Glasgow.

Then how long was it after you came to Glasgow? I do not know.

Was it a year? I cannot tell.

Or five years—or can you say any number of years? I cannot say.

Answer me this—did you, while in Glasgow, hear the throwing of vitriol spoken of more than once? I could not answer that question.

If you only heard it spoken of once, could you answer the question? I could not.

Did you hear it spoken of in Glasgow more than ten times? I could not say.

Did you hear it spoken of more than 50 times? I cannot say.

Did you hear the throwing of vitriol spoken of in your presence more than 100 times after you came to Glasgow? I cannot say.

(By the Court)—Did you hear of a man that was hanged for throwing vitriol in Glasgow, within a few years since? Yes: I heard of that having happened in some of the inns in Glasgow.

Mr. ROBERTSON.—My Lords, the witness came to Glasgow in 1825, and the trial your Lordship speaks of was in 1823.

(By the LORD ADVOCATE)—How far is Blantyre from Glasgow? About 8 miles.

Did you usually hear in Blantyre what was passing in Glasgow? Very seldom—we seldom went down to Glasgow.

Did you ever hear of any cotton-spinner shooting at another? I knew of a cotton-spinner being punished for shooting at another.

What was his name? Kean.

Who did he shoot at? I do not remember—I was not in Glasgow at that time.

What time of the year 1825 did you come to Glasgow? Within a month of the end of the year 1825.

Was the person's name Graham that was shot at? I think it was.

Do you know whether he was a nob or not? I could not say—I did not know much about it at that time: I just heard a report about it.

Do you believe he was a cotton-spinner that fired the shot? I believe he was a cotton-spinner that was punished for it.

Did you ever hear of proceedings against a man of the name of Cummings for shooting at a person, and was fugitated? I never heard of it.

Did you ever hear of a person of the name of James Steel? I do not know a spinner of that name.

Did you never hear of his being punished for shooting at a nob? No.

Did you ever hear of a man the name of Walker, tried in 1827? Yes.

What was that for? I do not remember the particular circumstances—it was some molestation to another man.

What molestation? I do not recollect.

Was it for firing a pistol? I could not say.

Was the person molested, a nob? I do not know much about it—I heard of it.

Did you pay no attention to it? No: I paid attention to nothing of the kind.

Did it not strike you as an extraordinary thing at the time, of a spinner's firing in at the room of a person who was a nob? I thought it a bad action.

Do you remember what factory that occurred in? I do not remember.

Do you believe there were no acts of violence took place by spinners on the persons of nobs from the time you came to Glasgow, until the commencement of the last strike? None, except what you have spoken about.

(By the Court)—Did you come into this court with the belief, and ready to swear that no acts of violence had been committed to cotton-spinners in Glas-

gow as nob, previous to the last strike? I believe there were violence, but at the present moment they are out of my memory.

(By the *Lord Advocate*)—Do you know what committees there were appointed by the Association, during the last strike? Yes, the finance committee.

Do you know of any other? Yes, the guard committee.

Do you know of any other during the last strike? Of no other.

What was the duty of the guard committee? They were elected to go upon the different shops, to see if any of our members were working in the shops, and to report to the trade.

To what part of the trade? The whole Association, when they met altogether.

Was you a guard? No, I never was on the guard.

Was you a member of the guard committee? No, I never was a member of any committee in the Glasgow body.

During the strike, did you go frequently about Glasgow and the neighbourhood? I sometimes read in the house for half a day, and then walked and looked about me.

And you saw what was going on? Sometimes: I sometimes went past the mill, and saw crowds assembled.

Before the meeting that Mr. Gemmill attended, had you never heard of violence being committed? There had been reports about Mile-end.

What do you mean by reports? People hissing and cheering at the nob as they came from their work.

Did you ever hear of the spinners doing any thing more than cheering and hissing? Not at this last strike.

Do you believe that during the last strike spinners did nothing more than cheer and hiss? I have heard of some nob spinners being abused at Oakbank.

How abused? Struck, in going through Cowcaddens.

Did you hear of any thing else? I heard of a man being shot.

Was that Smith? Yes.

You say you attended a meeting at the Black Boy Close on the day on which Dr. Taylor spoke in the Green? Yes.

You say you went there rather before 8 o'clock in the evening? Yes.

How long did you stay? About an hour and a half.

Then you will recollect what passed—did any body speak at all? The number of the different shops were called over, and they heard what was going on.

Do you remember if any one spoke there? Yes, I spoke myself at that meeting.

Did any other person speak besides you? Two or three of the delegates,—a good number of them,—some of them I did not know.

Can you name one person who spoke besides yourself? No, I cannot.

You know the person who was in the chair, and you know other persons in the room? Yes, a good many.

You were accustomed to meet with the delegates? They very often changed their delegates.

And can you not name any other person who spoke but yourself, during that hour and a half? Yes; Tam M'Millan told the state his shop was in: I paid no attention to the names of those who spoke.

Was there any particular business going on? No, except as to how the men stood affected, if there were any views of a settlement, or if the masters had sent for them.

You say the term No. 60 was done away with three years ago? About that time.

Has it never been used in the schedules since? I could not say.

Has there been any regulation about No. 60 since? I could not say: there may or may not be; but I could not say.

Are the books and schedules all open to you and others? We scarcely ever called for a schedule during the strike.

Was there any body at the head of the Association? Three men.

Who were the three during the last strike? John Bunyan, Peter Hacket, — I do not remember the third just now.

Had the Association any president or head? No; when we met we chose a chairman.

Was there no man considered more at the head than another? No, I do not remember that there was.

Was there any man considered treasurer to the Association? Yes.

One of these three was treasurer during the strike? Yes, and at all times.

Who was the treasurer from the strike till the end of it? Either Bunyan or Hacket.

Was any body considered as secretary? During the strike, Richard M'Neil. That is the prisoner? Yes.

Was any person considered as assistant secretary? I do not remember.

You say nobody was particularly president? No.

Are you sure of that? Yes: we had a man, James Gibb, who was generally in the chair during our public meetings.

Look at the prisoner Hunter, had he anything to do with the Association? He was one of the twelve added to the committee to keep us in life—to get money to us.

When was he added? Sometime after the strike—a week or so after it took place.

Was he nothing more than one of the twelve? I never heard of his being anything else than that.

You never heard of his being President or head of the Association? I never did.

Did you ever hear of the name of Director? Yes: that is done away with now.

But during the last strike, did you never hear of Hunter being anything more during the whole strike, than one of the twelve? Never.

You never heard of him being chairman? I have never seen him chairman, or heard of his being so, since the strike commenced.

On no occasion whatever? On no occasion.

[The Court adjourned at 9 o'clock, evening, until Monday. On the application of the Jury, the Court granted permission to them to take an airing in carriages on Sunday, but to be under the strict charge of the Clerk and Macers of Court.]

## FIFTH DAY—MONDAY, 8th JAN. 1838.

The Court met at 9 o'clock.

*(Exculpatory Evidence—continued.)*

ANGUS CAMPBELL, Cotton-Spinner—(Examined by Mr. ROBERTSON)—  
You are a cotton-spinner? Yes.

How long have you been so? About fifteen years.

And a member of the Association? Yes, since I came to Glasgow, now about eight years; previous to that I was in Renfrewshire.

Were you sworn when you were admitted as a member of the Association? No.

Do you know of any oaths having been administered to any of the members? Not by the way of admission.

In what way, then? Such as I have taken to-day: I have known spinners taking oaths in civil courts, but I know of no such thing in the Association.

Or any obligations of any kind to observe secrecy? No.

Or any obligations to abide by the resolutions or determination of the majority in things unlawful? I never understood or heard of any such obligation being undertaken.

The decision of the majority was to bind the body in things lawful? Yes, the decision of the body at all times made the law.

What do you mean by the law? The regulations of the affairs of the Association.

There was no obligation to obey the majority in things unlawful? No.



Or any acts of violence to life and property? No.

Was there any obligation to obey the resolutions of the majority in any acts of violence of any kind? No.

On property, or life, or persons? None.

How were the delegates appointed? By the members of the respective shops—any factory where there was a number of spinners—they took it generally by rotation; sometimes they were appointed by the factory.

What was the duty of the delegates when appointed? To attend once a-week, in a collective capacity, and give in the reports of their various factories.

Reports of what? Of the then state of the society, or the opinions of their constituents.

That is the people of the mill you mean? Just so.

Were any select delegates appointed? Yes, occasionally.

What was the purpose of their appointment? When any question of importance was about to be discussed, it was thought more convenient for the finance committee to send notice to the men of the different factories to appoint one from each factory, to be sent on a given night to the committee room: this was done by the men of the factories, who appointed the most talented and judicious men from each factory.

Was that in addition to the ordinary delegates? Just so.

You say the delegates met once a-week generally? The ordinary delegates did: latterly they met once a-fortnight, but the common way was once a-week.

When select delegates were chosen, did they meet once a-week, or when occasion required? When necessity required.

Who called the meeting of select delegates? The finance committee gave instructions to the officer of the body to go round and give intimation to the men of the different factories: the select delegates were only of one night standing.

The finance committee, was that the permanent committee? Yes.

Were there schedules sent round by the finance committee? Yes. and for one occasion.

What did these contain? The general expenditure of the Association, so that it might be seen by each member.

Was there any standing committee but the finance committee? No other.

Of what number did it consist? Three, the permanent finance committee.

Was there any chairman of the Association? Yes.

Was he a member of the finance committee? No: the ordinary delegates appointed one of their number to stand for two or three months as president of their meetings: I think three months was the ordinary time.

(By the Court).—Does that mean that he was the president of the Association? No; that he was president of the ordinary delegate meetings.

Was there any chairman of the Association apart from the person who was chosen by the delegates as their chairman? None apart from the president of the delegates, except when the finance committee or supply committee required a chairman for that committee.

(By Mr. ROBERTSON).—Have you attended meetings of delegates? I have.

As a delegate? Yes.

Did persons, members of the Association, not delegates, occasionally attend meetings of delegates? Yes.

During strikes, what committees existed? During strikes, the finance committee existed; and in addition to that, a supply committee was attached to the finance committee: I believe there was a guard committee also.

Any other? Not that I know of.

Did you ever hear of a secret committee or a select committee? I have heard of the committees I have mentioned, but of no other, or of a secret or select committee.

The supply committee was in addition to the ordinary finance committee? Yes, but attached to it during strikes.

What was its duty? For the purpose of assisting the finance committee in raising supplies for the support of the men during the strike.

What was the number of the supply committee? The finance and supply committees together might, during a strike, amount to about 16 or 17 men, including the three of the finance.

What was the number of the guard committee? I think I heard three or four different men appointed as a guard committee.

Were they appointed by the Association or the delegates? They were appointed at a general meeting of the Association.

What was done with the schedules during the strikes? As it was inconvenient for the whole of the members to see the schedules as formerly, they were read regularly once a fortnight at the meeting of the Association, instead of being sent round the factories as formerly, when the factories were open.

The schedules were read at regularly convened meetings of delegates of the Association? The representatives of the Association, convened for the purpose of hearing the schedules read, and intelligence was carried back to the men.

How were the representatives chosen? I told you already that they were general delegates: every shop sent four or five men, as the hall was not large enough to hold the whole of the members: this meeting represented the Association.

How many might there be of those at a meeting? I have seen from 30 to 200, and ranging between these two numbers.

What might be the number of the Association altogether? About 800.

What was the meaning of No. 60? The original meaning was this—there was a number of men out of employment: it happened that the Association offered to give them a few shillings per week to keep them from starving: at the time this grant was made by the Association, their number amounted to 60, and, for consistency's sake and expediency, they fixed upon that number, which has continued as the name applied to all men out of employment.

Were the shops known by different numbers? Yes.

Did you ever see in any of the schedules an entry of expenses with nobs? I have, at least I understood so.

What did you understand that to mean? When any of the new hands of the factories wrought during strikes, they were sometimes induced to leave their work by fair legal means; and the expenses incurred by waiting on them, or by them calling on the ordinary members of the trade, were entered in the schedules in that way.

Did that include occasional drinking? Yes; and when any agreement took place between the parties, they were generally placed on the same aliment as the ordinary members of the trade, and the entry of expenses with nobs included that aliment.

Did these men, being to withdraw from the works, continue to be denounced in the books as nobs? I cannot say I saw the word nob in the schedules, but when the question was put to me, I gave what I considered to be the meaning of it in the trade.

(By the Court).—You said you saw them in the schedules? Yes.

(By Mr. ROBERTSON).—Have you seen the word nobs entered into the schedules, or nob? I could not tax my memory that I ever saw the word nob in the schedules.

Have you heard the words, expenses with nobs, read from the schedules? I have heard such expressions made use of at meetings: I cannot charge my memory with ever having heard such an entry read.

You have told us that you understood expenses with nobs to include expenses of drinking and aliment given to those who came out—who paid the nobs? The guard committee.

Who made the entry in the schedules? The clerk of the Association.

From what materials or report did the clerk make the entry? From the expenditure of the trade generally.

Who informed him of it? The finance committee.

If the entry "expenses with nobs," had been made, from what material would that have been gathered? From the guard committee.

When persons who were nobs were put on aliment in the way you have mentioned, how was that aliment charged? It was put in the schedules as a separate entry from the usual aliment given to the men—as "expenses of guards with new hands or nobs," it may have been.

What was a clear certificate? A line or certificate given to a man who was a member of the body, wishing to leave the town, or going to a distant part of the country.

By whom was it given? By the finance committee.

You were a member in the strike of April last? Yes.

Were you a delegate during the last strike? No.

Were you a member of the committee of supply during the last strike? I was.

Do you know a person of the name of William Johnston? Yes.

Do you remember being at a meeting in June last, when a motion was made by him? I recollect of several meetings at which he was present, because he was a regular delegate.

Do you recollect a meeting where he made a motion about nobs? I recollect being at a meeting where he made a motion respecting the conduct of some of our men: previous to the strike, a scheme of emigration was entered into, and those who wished to avail themselves of it got £10 from the body, on their granting a bill that they would not work as cotton spinners in Glasgow, for the space of three years: they granted a bill for the £10, and came under an obligation not to work for three years: this was altogether voluntary; but if they paid back the £10 they were at liberty to work.

If they worked without paying the money, what was to be done? We took the money off them by legal means.

What was the purport of Johnston's motion? As a number of individuals——

(**LORD JUSTICE CLERK**)—Answer directly—what was the motion? The purport of Johnston's motion was, that as a number had availed themselves of the £10, and had failed in their obligation by going to work, he proposed that a prosecution should be raised immediately to regain the money given to these men.

(**By Mr. ROBERTSON**)—Was there a committee appointed for that purpose? I cannot say, but the impression on my mind is, that the proposition led to the appointment of a committee.

Was the motion carried? I think it was—it was not appointed at the time, but I cannot say whether the committee ever was appointed or not.

Were you present at the meeting which Mr. Gemmill addressed? I was.

Who was in the chair at that meeting? James Gibb, one of the prisoners.

Was that a meeting of the Association at large? It was a general meeting—it was crowded.

Was Gibb a member of the supply committee? He was.

(**By the Court**)—And of the finance committee? Not of the finance.

(**By Mr. ROBERTSON**)—What was the purport of Mr. Gemmill's speech? To induce the members of the Association to withdraw the guards about the mills, and that the Association should use all their influence to keep down disturbances.

Was that agreed to, and certain resolutions passed? Yes.

And which were published in the newspapers? Yes.

Had the guards been on the different factories for sometime before this? Yes.

Had molestation to the new hands been complained of? Yes.

Had the guards been assembled at the different mills? Yes.

Had there been disturbances with the police? Yes.

Had persons been assaulted? Report said so—I did not see any assaulted.

Was there a general strike at this time among the trades, besides the cotton spinners? Yes—sawyers, moulders, colliers, and founders.

Do you remember whether Gibb spoke at that meeting? Yes.

Did he speak from the chair? He did.

To what effect? To the effect that the decision of the meeting should be, that they agreed to the recommendation given to them by Mr. Gemmill, inducing them to withdraw the guards—that the trade themselves should abide by his recommendation,—and that any member who would violate this decision, their aliment would be cut off, and they would get no more during the strike.

At any meeting you ever attended, was any encouragement given to violence or intimidation? Quite the contrary.

(Cross-examined by the SOLICITOR-GENERAL).—Who were the members of the finance committee during the strike? John Bunyan, Peter Hackef—I cannot recollect the third person at present.

Try if you can recollect? It has escaped my memory who was the third person in the finance committee, the two were so amalgamated together.

Were you a member of the supply committee? I was.

When was that committee appointed? About the 10th, 12th, or 14th of April.

Were you a member of any other committee? No.

You have been 18 years a cotton-spinner? I have been 15 years.

You did not enter the Association immediately? I entered the Renfrewshire Association above 14 years ago.

Did you take any oath when you entered that Association? No.

Was there any separate form of admission in the Glasgow Association? Yes.

What was it? I had to pay a new entry-money.

How much? A pound note.

But you took no oath? No.

Did you ever hear of any oath being taken at the admission of a member to the Association? Never at any time.

Did you ever hear of any oath being taken? No, I never heard any of the members of the Association talking about an oath.

Did you ever understand that an oath had been taken at any time on the admission of a member? Not at any time.

Was there no obligation to stand by the majority? No, excepting the Association.

Was there no obligation to stand by any decision of the majority? No, there was no obligation to stand by any decision.

Could a man remain a member of the Association, and not obey the decision of the majority? Yes, a man could be a member of the Association, and not take an obligation.

(By the Court).—Take care what you are about.

(By the SOLICITOR-GENERAL).—Answer my question—could he remain a member, and not obey the decision of the majority? No.

And yet there was no obligation to obey the decision of the majority? No.

Was there nothing in the articles of the Association binding and obliging every member to obey the Association, and submit to the majority? There was in the rules of the Association a rule expressing the meaning that those who joined the Association would necessarily have to be regulated by the decision of the Association.

(By the Court).—Do you say that those who joined it would be bound to obey the resolution of the Association? Those who joined it voluntarily.

(By the SOLICITOR-GENERAL).—Do you remember the expression of the rules? Not pointedly.

Do you know the expressions were, that every member of the Association binds and obliges himself to submit to the majority of his brethren in all cases connected with the Association—were these the words of the obligation? I cannot say positively whether these were the words or not.

Do you believe that that was the import of the rules? I believe that it tended to that meaning in a great measure.

I ask, do you believe it was the import of the rule? Yes.

Do you know what the majority was that was to regulate? Yes, two-thirds of the members.

Have you any doubt now that there was a rule such as I have mentioned? Allow me to say, that when a member entered voluntarily into the trade, they considered themselves as bound to abide by the majority, and when they failed to do that, they could not be considered as members of the Association: that was the penalty of his not obeying.

If he did not obey the majority, he ceased to be a member? If he still persevered for months or years, he could not be a member—when he became a bad member: it was altogether voluntary.

Suppose the Association resolved to strike, could a man remain a member of the Association, if he worked after the strike was resolved on? I cannot say he would.

Could he work—no or yes? I could not answer that question, for the case never came under my observation.

Could he work a week against the strike, and be a member? My own opinion is, that he could not.

What is a nob? I understand a nob to be a new hand who goes in to work when a strike takes place—that is generally what is denominated a nob—there are other nobs besides.

Well, what are they? I have seen a walking staff with a nob upon it.

(The Court)—The Jury will remember that answer.

(By the SOLICITOR-GENERAL)—I want more nobs? I do not know any more.

I hope you will have it down that he said there were several nobs during the strike, and then he told me that another kind of nob was a walking stick.—Do you know any other nobs? I am not acquainted with any more.

Suppose a member of the Association continued to work after a strike—not a new hand, but an old hand, would he be called a nob? Generally he would.

Well, that is another nob.—Suppose a man persisted for months and years in disobeying the decision of the majority, would he be a nob? According to the meaning given to the word, he would.

That is another nob, sir.—If a man acted so, that for any reason, he was cut off the Association, whether he worked or not, would he be a nob? No.

If he would be expelled from the Association? No—that is my opinion.

Do you recollect any other than the four cases of nobs at present, including the nob on a stick? I cannot just now, except they come to my recollection.

Did you ever hear of such a thing as Colliery? I cannot say whether I have heard the word or not.

Have you never heard it used in a particular manner by cotton-spinners? If it has any reference to colliers I may have heard of it.

Have you ever seen or heard it in the schedules of the Association? I have seen in the schedules words bearing reference to colliers.

How long has number 60 been used—is it used now? No.

When did it cease to be used? About 2 years and a half or 3 years ago.

What was the business of the guards? Two or three of the members of the Association went to the different factories in the strike, for the purpose of ascertaining how many new hands were going, so as to pass report to the other members of the Association when met, the numbers that were going in, so that they might judge of the expediency of protracting the strike, or giving it up on the masters' terms—this was the avowed purpose of the guards.

How were the guards paid? They received no pay, it was taken in rotation, except their aliment, but they might receive some refreshment when the weather was wet.

(By the Court)—When acting as guards, they were performing the duty of the Association? Yes.

(By the SOLICITOR-GENERAL)—And received no pay? A glass of ale or so at the time: there was another reason for appointing the guards—in case a member of our own might be going in and receiving aliment and deserting the society: it was part of the duty of the guard to give notice of that.

Had the guards any directions to treat with the nobs at all? There was an un-

derstanding that should any of the new hands who inclined to come out, or if they knew any of their friends, to treat with them in that way : and it has been practised, and some of them have come out, and were placed on the same aliment as the rest of the men.

Did you ever hear of the guards maltreating any of the nobs ? I am not aware that the guards maltreated any of them.

Did you ever hear of the cotton-spinners that had struck, maltreating the nobs ? I have heard it reported that some of them had.

Had any cotton-spinners been tried for molesting ? I understand that some of them were apprehended.

But did you ever hear, during the last strike, of cotton-spinners being tried for molesting the nobs ? I recollect now of having heard that one, or two, or three, were put in prison for molesting the new hands—that was reported, but I was not personally acquainted with the circumstances.

Did you know that some of the members of the Association were in custody, at that meeting when Mr. Gemmill spoke, for molesting the new hands ? Yes.

Do you know if one had been convicted ? I heard of it ; but I knew it was an understanding between Mr. Gemmill and the authorities that the prosecution would not be proceeded in, provided we withdrew the guards, and if peace would be preserved, and so on.

The aliment paid to members of the Association formed the different articles in the schedules ? Yes.

Did you ever happen to see in the same schedule separate entries of guard expenses, and expenses with nobs ? I recollect hearing such entries read as guards' expenses, and expenses connected with the duties of the guard committee.

Were they considerable ? As necessity required, sometimes very considerable.

Let me know how they could be considerable ? When a great number of new hands had come voluntarily out, or were induced by fair means to come out, these were placed on that fund, and as necessity required the expenses would be heavy in that.

(By the Court).—Your answer would not apply to any of your own members, for they would go upon the aliment ? I acknowledge there was a guard committee, but that was a separate fund that they had from the fund of the ordinary trade ; and those who came out were placed on the fund under the care of the guard committee.

You do not mean that if any of the members of the Association had come out, that they would be placed on the guard fund ? No.

(By the SOLICITOR-GENERAL).—How many new hands did you ever know at any one time charged upon the guard committee ? I do not know ; but I think I have heard to the amount of 60 or more new hands at a time during the last strike.

What were they paid ? At first, according to the ability of the Association to pay : the whole of the new hands got the same.

What was the lowest and highest aliment given to the new hands ? I know what I got myself, and I got 2s. 6d. ; and I have got as high as 6s. or 8s.

When No. 60 existed, were they paid any thing for unshopping a man ? I scarcely understand that word.

You do not understand what it means ? I recollect now that the time the emigration scheme was in existence there was a great number of strangers coming into the town and went into work, and there was a series of resolutions brought up by some of the trade to pay for unshopping, and a proposition was entered into to that effect and presented to the trade, but it was rejected.

Did the Association ever give any assistance to cotton-spinners, their members, when apprehended by the legal authorities—did you ever know anything of that ? I have known them get refreshments in jail.

Did they ever pay the expenses of their defence when on trial ? Yes, more than once ; but it was generally at the urgent request of their friends.

Then you knew several tried? Yes, and their expenses paid by the Association, on the understanding that their friends would be answerable for paying them back.

Then it is not from reports that you know that cotton-spinners have been accused for molesting nobbs, and been tried for it, but because the Association have repeatedly paid their expenses—were those expenses paid to those who were tried for molesting nobbs? Yes, they were taken on that charge.

It is not merely from report that you know that cotton-spinners have been charged with molesting nobbs, but from the more satisfactory knowledge that the spinners have paid the expenses of their trial? From report and from knowing that several were tried and acquitted: but it was no general rule, and was only from the solicitation of their friends, under an understanding that it was to be paid back.

You seem amazingly anxious to take the part of the Association in things with which I am not charging them: you say they were apprehended and acquitted—did you ever know any convicted? There have been convictions, I have heard, though I was not personally acquainted with them.

Do you remember the case of Munholland, M'Allian, and O'Donnell? I remember these men.

Do you remember their being charged with maltreating nobbs—had you any thing to do with the settlement of that affair? Yes.

What had you to do with it? By another party, I understood that there was money lodged as bail, and at the first circuit court after in Glasgow they were cited to appear: in April last, M'Allian and O'Donnell did appear: previous to that, we sent down two or three men to Duntocher to make sure they would not be out of the way: Munholland was not got, and did not appear; the others did.

(By the Court)—These men were to see that they should attend? Yes.

(By the SOLICITOR-GENERAL).—Was it the Association money that was lodged for their bail? It was: allow me to explain how I became connected with it: Munholland not appearing, and the trial not having been proceeded with, on the day following I was requested by the parties who had lodged the bail, to go to Dumbarton, and give up the letters of guarantee previously received from Macome, and get a letter for the remainder of the money—Munholland's bail being forfeited: I was to get up the money, excepting £20, for the payment of Munholland's bail.

You got a new obligation? Yes, I got a new obligation as to the other two.

Were they cited to appear? They were cited to appear, and we sent to Duntocher to bring them up, in order that justice might be obtained: the trial was not proceeded with, and the Association got back the money under a deduction.

What was the sum altogether? £60, and they gave back £40, keeping off Munholland's bail and the expenses.

Was there a Bible in the Association room? Not that I know of.

You never saw a Bible among the papers and documents belonging to the Association, or any of the committee in Smith's tavern? No, I never saw any Bible connected with them: men may have had Bibles in their pockets, and such as that, but I saw none connected with the Association.

Was any minute made of Johnstone's motion? I cannot say that there was: when I was examined by the sheriff, they shewed me a minute bearing upon some proposition that William Johnstone had brought before a meeting: but whether it was that which bears on my examination to-day or not I do not know: I recollect seeing the document bearing something on the subject: I think this may have been the minute referred to; but whether it was the one referring to the motion or not I do not know: Johnstone's motion was for the purpose of prosecuting those who had got emigration money, and who did not go abroad, but remained at home.

You do not know whether the committee was appointed to take any steps in regard to it? No.

(By the Court)—You said that there were three of the finance committee,—and you said when lines were given to persons leaving the country, these were

signed by the finance committee,—you are asked to name the persons of the supply committee, and you can only name Bunyan and Hacket; but you said that when a line was given, it was signed by the finance committee, consisting of three;—now look at that certificate (No. 15 of inventory), and the names at that certificate, viz. Hunter, Gibb, Hacket, and M'Neil? I see their names at it.

Are these names attached to that certificate as members of the finance committee or not? Previous to any certificate, when the ordinary purposes of the trade were going on, it was the duty of the finance committee to grant such lines as this: I told the Court that shortly after the strike took place, the supply committee of 12 or 13 were appointed, and were amalgamated with or attached to them: then the business of the committee was so much extended, that the finance committee could not do it all; and they appointed the president of the supply committee, the treasurer, the secretary, and an under secretary perhaps, to do the business: and it was the duty of these men to grant lines of this kind to all members of the trade during the strike.

Now, in what capacity are these names appended there? Hunter was chairman of the committee; Gibb was one of the secretaries, or assistant secretary; Hacket was treasurer; and M'Neil secretary.

And in these capacities you consider their names appended to the certificate? Yes.

Previous to the strike, such certificates were granted by the finance committee? Yes.

Were any such certificates granted by the shop? None such as this; but there were certificates granted by the shop to be referred to the finance committee.

What kind were those granted by the shop? A reference from the shop to the committee as to whether the individual who was requesting a general certificate was free of debt.

What is that certificate which you hold in your hand? A certificate granted to M'Lean: he came and requested it, and he intended to go to a distant part of the country or out of the kingdom to work.

How do you know that? I was present when the application was made, being a member of the joint committees.

Did you see it granted there? Yes, I saw a certificate similar to this granted; I think it is the same.

When so granted, was Hunter in the chair? Yes.

Can you recollect now who the third man was who was member of the finance committee? I cannot charge my memory with it: but my opinion is the third member's time of serving on the committee had expired about the commencement of the strike; and when the committees were amalgamated no member in his place was appointed: this is an opinion of my own, having seen such a circumstance happen before, and may be the reason of my not remembering the name.

You told us distinctly that the whole finance business was managed by three of the committee before the twelve were added to it,—do you say that no other man was put in to fill up the vacancy in the finance committee? I only state this as being a reason why I do not remember the man's name.

At the time when they required assistance to transact the business, do you say that it was not filled up? I am only forming an opinion from knowing such a circumstance before: when the amalgamation took place, there was no immediate need of one being appointed, as assistance could be called in at any time.

Who was the member of the three that retired from that important office? I do not recollect who the man was, not being connected with the committee at that time.

Had you only been elected one of the twelve after that? Yes.

Do you recollect who were the other members of the finance committee immediately before the strike? That is still where I am in difficulty: I cannot remember the third person who filled up the situation in the finance committee.

Did the finance committee act or not by themselves in the business of the



Association, after the appointment of the committee of twelve? The finance and supply committees were amalgamated into one during the strike.

Do you mean to say that the finance committee did not act by itself? It did not act by itself—they all acted together.

Did these four persons who held the office act by themselves? The actions of every member of the committee, and all the transactions of the finance committee—all the transactions of every member of both finance and supply committee, were under the surveillance of the whole.

But did these four persons act by themselves? They acted as chairman, secretary, and treasurer, when the whole committee generally met.

Did Peter Hackett never act but when the committee met together? Not that I am aware of.

Did he act away from the committee? No, unless under the injunctions of the committee: when injunctions were given to any, they acted on them in absence of the rest; that is when any duty was laid on any of them.

You say M'Neil was secretary, and Gibb assistant secretary—can you explain how both the secretary and the assistant secretary signed this certificate? It was their duty: sometimes three and sometimes four signed it, according to the wish of the applicant: I have seen five names, and never less than three.

(Re-examined by Mr. ROBERTSON)—Do you know the handwriting of the certificate? It is difficult for a person to say in whose handwriting it is—I cannot say.

You were present when it was granted? I was present when he made application for it.

What is the date of it? 11th July.

Was that the date on which it was granted? Yes: I recollect of leaving the room, when orders were given to some of the secretaries to draw up a certificate for M'Lean.

You were asked about the meaning of the word nob—is that applicable to cotton spinners and to other trades? So far as my opinion goes, it is a general term applicable to all trades.

You were asked about collieries, and you said you had not seen such a word in the schedule, but something about colliers—what is the meaning of an entry about colliers? I recollect that on one occasion £50 was granted as a loan to the colliers, and I have seen an entry "colliers' bill," as far as I recollect, £50: and the reason was that the money was levied by the Association to give it to them; and the Association granted a bill to the persons from whom it was borrowed: I recollect about two years ago of an application being made at a public meeting—if I recollect right Thomas Hunter was the man to whom it was first made—for £50, to be given to another branch of the colliers.

Was it granted? Yes, on heritable security that the money would be paid back; and, during the last strike, intimation was sent from different branches of the colliers, wishing a deputation to be sent for the purpose of granting a little assistance to the spinners of Glasgow.

Was it given? In some instances it was.

Were the certificates granted in the ordinary course of the Association, as well as during strikes? Yes, at all times.

Was certificates similar to that—I mean in the same terms—granted to other persons during the last strike? Yes.

(By the Court)—There were some questions put as to what was a nob—persons of the Association remaining at work during a strike, are they nobs? Yes.

During the last strike, do you know any instances of persons belonging to the Association remaining in works? Several mills did not strike at all.

But were there any members of the Association remained in mills which did strike? I cannot pointedly say.

You know all the prisoners? Yes.

Were they all at the meeting where Mr. Gemmill made the speech? I could not say whether they were all there; but James Gibb was at it, and, if I do not mistake, M'Neil was there: I cannot positively say as to the others.

Did you see Hunter there? I cannot say whether he was or was not: commonly the supply committee attended those meetings.

(The following are the resolutions adopted at the meeting of the Association which Mr. Gemmill addressed, and which were published in the Herald and Liberator newspapers, and were read during M'Kay's evidence, page 162:.)

"A General Meeting of the Operative Cotton Spinners of Glasgow was held on the 23d May, 1837, at which it was moved, seconded, and unanimously resolved,—

"First,—That this meeting being informed that the public have been led to believe that the disturbances at the factories under strike have been instigated or promoted by the members of the Union, the meeting feel themselves called upon to disabuse the public mind, and to disavow, as they now do, all connection, directly or indirectly, with such disturbances.

"Second,—That although the meeting cannot subscribe to the doctrine which some of the authorities have laid down as law, viz. that a man may be punished for walking near the works under strike, although he does not, by word or deed, molest any person; yet, in order to testify to the world that the members of the Union are not aiders or abettors in the annoyance said to be given to the new hands, the members of the Union resolve not only to abstain from walking, unnecessarily, near the works, but to use their influence to dissuade others from being guilty of any offence which the authorities may construe into intimidation or molestation.

"Third,—That the thanks of the meeting are especially due to Mr. Gemmill, writer, for the able manner with which he has conducted the law business of the Association, and the promptitude with which he attended the meeting to make the necessary explanation for the future regulation of the members.

(Signed) "B. MURPHY, *Secretary*."

(By the Court)—Has any communication whatever been made to you since you came here in regard to the proceedings in this trial? No.

Have you heard nothing whatever of the evidence that has been led before the Court? No word whatever.

Were you in Court during any part of the proceedings? No.

Have you had any conversation since Saturday on the subject? Nothing more than general conversation that the trial was going on.

Is any other witness living with you? One other, William Smail.

WILLIAM SMAIL, Cotton-Spinner—(Examined by Mr. ROBERTSON)—

You are a cotton-spinner? Yes, and have been so about 11 years.

And a member of the Association? Yes, about the same time.

How is the business of the society managed during ordinary times when there is no strike? It is managed by a finance committee of three.

In cases of strikes, what committee was appointed? A committee of supply.

Does the committee of supply act in unison with the finance committee? They do.

Is there any President of the Association during the ordinary times? At the delegate meetings one man is President generally for two months—but it is not the office of any committee man to occupy the chair on meetings.

How are the delegates chosen? By the respective factories that they work in.

Are there occasionally select delegates chosen? Yes: when any questions of importance are to be discussed, the most wise and judicious members are chosen and sent up as delegates.

When you entered the Association did you take any oath? No.

Did you come under any obligation to abide by the decision of the majority in anything unlawful? No.

Did you know or hear of any oath or obligation to that effect? No.

Or any oath of any kind? No.

Was the decision of the majority to be binding on the Association? 3-4ths of a majority.

Did you ever hear of a secret or select committee? No.

Did you ever hear of any committee under any name connected with purposes of violence? No.

You remember the last strike? Yes.

What committee existed during that strike? A committee of supply.

What might be the number of that committee? About 14, I think.

Of whom the ordinary finance committee formed a part, I presume? Yes.

Do you remember who were the members of the finance committee that merged into the supply committee? Peter Hacket and John Bunyan.

Who was the third? At the time of the strike the third was out of office, and when the committee of supply was put into existence, a third was not put into his place: it was thought unnecessary to put in another, as the committee of supply was appointed.

The finance committee had no duty to discharge separately during the strike? No.

Can you remember who the man was that went out of office? I do not recollect.

Was there any other committee that existed during the strike? There was a guard committee.

Was there any other committee besides the supply and guard committee? There was about a week or two a decret committee.

What was the duty of the supply committee? To raise funds for the supply of the men upon the strike.

During the ordinary business, when there was no strike, were certificates occasionally granted to persons going to another part of the country? Yes.

By whom? By the finance committee.

The only standing committee during the ordinary state of the trade? Yes.

Now, during strikes, who granted that certificate? The finance and supply committee merged into one, and acted as one.

Were you a member of the committee of supply? Yes, I was.

Was there a chairman of the supply committee? Yes.

Who was he? Thomas Hunter.

Who was treasurer? Peter Hacket.

And secretary? Richard M'Neil.

And assistant secretary? James Gibb.

Did they grant such certificates? Yes.

You know that of your own knowledge? Yes.

Several during the strike? Yes.

Can you tell to whom? They granted one to James Dyer; one to William M'Lean, the prisoner; another to a man who went to Russia—I do not recollect his name at present; but to these and several others.

Was there one to Daniel Montgomery? I believe there was.

Could you name any others at present?—was Montgomery's during the strike? Yes.

Was there a Joseph Parker? Yes, he got one.

To Joseph Nixon? Yes, that was the man that went to Russia.

To Daniel M'Genty? Yes, he went to Carlisle.

And some others? Yes.

Do you know the terms in which they were granted? They generally ran thus: "This is to certify, that the bearer was a clear member of the Association, and has paid all lawful dues."

Look at that (shews witness No. 23 of inventory)—is that in the usual form? Quite so.

Were you present when that was granted? No.

(By the Court)—This certificate says, "he has always done his duty, and we recommend him to all our friends"—is that the way generally? It is to the effect. There was no regular way of writing certificates.

Look at that (shews witness No. 24 of inventory)—Montgomery's certificate—read it? "Committee rooms, 11th July, 1837.—This is to certify, that Daniel Montgomery is a clear man of the Glasgow Operative Society of Cotton Spinners—

he has always done his duty, and we recommend him to all our friends." (Signed by the prisoners.)

You remember the Monday of the Glasgow fair in July last? Yes.

Does it begin on the second Monday in July? It does.

Where were you that day? I left Glasgow that day to go to Blantyre.

Did you see M'Lean, the prisoner, next day—the Tuesday? I think it was the Tuesday that I saw him.

Who was with him? Daniel Montgomery.

Where did you see him? At Blantyre toll bar.

Did you know where he was going? Montgomery told me he was thinking of taking a trip to England.

Was M'Lean there? He was.

Do you know where he was going? I understood from Montgomery when he said "we" that they were both going to England.

What were they doing at Blantyre? They made a call there to see if the spinners would assist them with a little money to help them up.

They told you that? Yes.

Did you see them again? I saw them next day, or next again in Bothwell.

Is that on the Carlisle road? Yes, direct.

What was you doing at Bothwell? I was going to see Lord Douglas' policy: I was idle at the time, being in the strike.

Did you speak to them? No, they were not near me.

You told us about the supply committee—was there a guard committee? There was.

What was the purpose of the guard committee? To superintend those who were put to watch at the different factories that had struck to see those who went in.

What was their purpose? To see that none of our own members receiving alimient from the society were at the same time working, and thus deceiving the society.

Any thing else? And at the same time to see whether it would be prudent or not to continue the strike any longer.

(By the Court)—This was to be done by persons who volunteered that duty? I think so.

(By Mr. ROBERTSON)—Were they also to ascertain the number of new hands with the view of determining whether the strike should continue or not? Yes.

Were you to do anything with the nobs? Any that they were acquainted with they were to reason with them, and to shew them the impolicy of taking work at the reduction.

Were they to treat them with spirits or ale—was that allowed? It was.

Was the expense of that to be charged against the Association? Yes.

Had the guards no separate allowance—no pay? Nothing farther than the expenses incurred by them in treating them.

In what way were these expenses charged? They were charged against the supply committee.

When the guards succeeded in inducing any of the new hands to join the strike, was any alimient allowed to such hands? Yes, they were put on alimient the same as the real members.

Were the names of the real members of the Association entered in any book or roll? Yes.

Were the names of these new hands who were put on the temporary alimient put on the roll? Some of them were added and some were not.

Was there any particular reason for not adding these? No particular reason that I ever knew—quite accidental.

Now, during the time that there were no strikes, were the schedules handed round to the different mills? Yes, shewing the income and expenditure.

Were such schedules kept during the time that there was no strike? They were.

How was this still communicated to the trade during the strike? When the delegates met together, each delegate was served with a schedule, and the delegates gave them to their respective factories.

Was this done when no schedules were sent round? Yes: a short time after the strike was closed no schedules went round.

How was the income and expenditure made known? It was read at the meeting of the delegates.

How many of these new hands may there have been on aliment? At one time there was near to 70.

Was the entry of payment of aliment to, or of treating, or expenses with the new hands, given in detail in the schedules, or in one sum? In one sum.

Are you aware of any such entry as expenses for guards in the schedules? Yes.

What does that mean? The expenses the guards were at with those hands, the aliment they received, and the refreshments furnished to them.

Did you ever see expenses with nob entered? Yes.

In slumped sums? Yes.

What did that mean? It meant the expenses that individuals had been at with nob; in advising them to refrain from working, or to leave off work.

Was that the same kind of thing with the other? Quite the same sort of thing.

Was the temporary aliment occasionally given to new hands entered into one or other of these? Sometimes it was.

You have told us of the supply committee and of the guard committee—you mentioned the decret committee, what was that? To pursue for debt those who were owing us sums of money.

When persons were going to emigrate was there any arrangement? There was a bill drawn out between the trade and them: they granted a bill and got the money to assist them in going abroad, and when they failed to go away, or returned, before 3 years, the time agreed on, the bill was put in suit, and decret obtained for it.

You say this committee existed but a short time during the last strike? But a short time.

Had it any other name? Decreet or debt committee.

No other? I do not recollect of any other.

Do you remember upon whose motion such a committee was appointed? No, I do not.

Do you remember whether any motion was made on the subject? I do not—I was from home some time.

(By the Court)—You were not a member of the supply committee? I was not a member during the whole strike.

(By Mr. ROBERTSON)—You know William Johnston? I do.

Were you at any meeting when he made a motion on this subject? Yes—at a general meeting of the Association.

When was that? I do not positively recollect, but I think it was in the month of June.

You remember the time of Taylor's meeting on the Green? Yes.

Was it then? I cannot say.

What was the purport of that motion? That all those who remained nob and who were in our debt at the end of the strike, were to be prosecuted for the debt that they owed us.

How were the nob in debt? Because many of them had got the emigration money and did not go away, and others of them had returned to work before the expiry of three years, and they were to be prosecuted: we did not care how soon they returned if they did not occupy wheels again.

Is nob a general word used for all people working during the strike? Yes: whether old or new, and any body is a nob who works during the strike on the terms that the Association refuses.

Is the word nob applicable to all trades whether spinners or others? Every trade, I believe, has its own technicality for these characters.

If a man got £10 to go away and did not go away, or came back before the time, could he by paying back the £10, become a member of the Association? Yes.

You say you heard of a dekrét committee—did you ever hear of a persecuting committee? No: Johnston's motion was for a prosecuting committee.

During the last strike was there or was there not, a good deal of molestation given to the nobs? By some there was.

At Oakbank and at Mile-end? Yes, I believe there was.

Was there a general strike in Glasgow among several of the trades? Some shops of the moulders had struck, sawyers and colliers generally, throughout the country.

And there were great numbers of idle men going about Glasgow from different works? Yes.

You remember a meeting when Mr. Gemmill made a speech about the violence that had been used? I do.

Where was that? In the Universalists' Chapel, Dove-hill.

At a general meeting of the Association? Yes.

A great number of people were present, I suppose? The hall was crowded.

Who was in the chair? James Gibb, the prisoner.

He was one of the supply committee and assistant secretary? Yes.

Were certain resolutions passed and published in the newspapers to the effect of refraining from violence? Yes.

Mr. Gemmill, I suppose, pointed at the illegality of these? Yes: and strongly recommended to the members to have nothing to do with molesting the new hands.

Did Gibb enforce it? He did.

Were the guards withdrawn? Yes.

Had there been cotton spinners tried, and were there any convicted? Yes.

Was it part of the arrangement that these persons were not to be punished if the violence ceased? Yes, those who were in custody were to get off if molestations ceased.

Did you ever hear of a secret or select committee? I never heard of a secret or select committee.

(Cross-examined by the LORD ADVOCATE)—You said that a nob was a name for any person that worked during the strike? Yes, at reduced wages.

If a person who had work gave up working, would he continue to be a nob? No.

You would not call him a nob then? No.

A nob is considered rather a reproachful term, used to members of the Association, or to other spinners? Yes.

Do you think that strangers who had come to work at reduced wages, and had been persuaded to give up, behaved well? Yes, according to my opinion.

No name would be applied to them? No.

Then it would not be applied to them in the schedules of the Association, after they had given up work? No.

If there was an entry in the books of the Association or schedules of expenses, to nobs, it would not mean what was given to men who had ceased to work at reduced wages, and behaved properly? After they had given up working and received alimnt from us, sometimes it was entered alimnt to nobs.

Will you explain how the term would be applied to those who were in these circumstances of having ceased to work? Truly speaking they were not nobs because they had ceased to work; but having been nobs when they received alimnt, it was marked alimnt to nobs, to make the Association understand that this alimnt went to those who had been nobs.

Was it entered as alimnt to nobs? Sometimes.

When it was paid to them as alimnt, was it marked alimnt? Sometimes—sometimes entered as expenses to nobs: it was the treasurer who made out the schedules: some might say alimnt to nobs, making the Association understand that it was paid to those who were nobs: others might say expenses to nobs, and

by either of these names the Association knew it was alien to those who had ceased to work.

Then nobody acquainted with the rules of the Association could be at a loss to explain such an entry as you have done? No.

They would answer it at once? I do not know whether they would or not.

Every member of the finance committee would answer it at once? I cannot say.

No such questions was ever put to you before? Never.

If such a question was put to any member of the committee of supply or officer of the society he could be at no loss to answer it? I think not.

You said that one person was elected for two months as president of the delegate meeting? Yes, sometimes for 2 months—sometimes 3 months.

How was that at the last strike—was any person elected for 2 or 3 months? No; James Gibb took the chair.

At the delegate meeting, one person, you said, was elected two or three months? Yes, but not during a strike,—the ordinary times.

Was nobody elected for any determinate time to preside over the delegate meetings? No: I have seen some occupy the chair for two or three meetings—some only one meeting.

Then there was this difference between the Association and the meeting of delegates during a strike and at other times, that at other times there was a chairman or president elected for two or three months, but during a strike there was no president elected for any permanent time whatever? Quite so.

Was any president elected on the committee of supply? Thomas Hunter was elected president.

When was he elected? On the Monday or Tuesday after the strike.

How long did he continue president? All the time, till he was apprehended.

There was a secretary? Yes.

When was he elected? The same day that Hunter was elected.

Who was he? Richard M'Neil.

He accepted? Yes, and he continued till he was apprehended.

Was there an assistant secretary? Yes, James Gibb; sometimes he acted.

Did he not always act as assistant secretary during the strike? He was not always required, but acted when required, particularly on a pay-night, to assist M'Neil.

Did he not act on other occasions? Yes.

And acted when M'Neil was present? Sometimes he did.

Did he act as such in signing certificates or free lines? Any member of committee could do so, and he sometimes did so too.

Was it not his duty to do so? Not his more than another member of committee.

When was the treasurer elected? The same day that Hunter and M'Neil was elected; but Hacket was treasurer of the finance committee, before the two committees merged into one, and it was proposed that he should continue to be treasurer of the united committee.

Then those men at the bar were president, secretary, assistant secretary, and treasurer, during the whole strike until they were apprehended? Yes—with the exception of Hacket, who was sometime in England.

During what time was Hacket in England? I think it was about the middle of May, and he returned sometime in June.

(By the Court).—Who acted as treasurer in his absence? John Bunyan.

(By the LORD ADVOCATE).—Are you well acquainted with Hacket? Yes.

Have you seen him write? Yes.

Are you acquainted with M'Neil's handwriting? I have seen it, but it is so long since I do not know whether I would know it or not.

You mentioned there was a meeting at which it was resolved to remove the guards from the mills? Yes.

Were they removed? Yes.

Were there any guards on mills after that? I believe there was.

How long did they continue on? I cannot say.

Do you remember when the meeting took place which you say Mr. Gemmill attended? I think it was the beginning of June or sometime in May.

Next day were there no guards on the mills? I think not.

Did not Gibb address the meeting on that occasion? Yes.

He was in the chair? He was.

Did he not make a strong recommendation that there should be no guards on the mills? Yes.

Did he not say that if any person went out as guards at mills, he would receive no aliment? I think so.

Are you not sure of it? It is so long a time ago that I cannot recollect very well, but I think he said something to that effect.

Was it not to the effect that any person going to the mills as guards would be going contrary to the will of the Association, and would get no aliment? I think it would be something to that effect.

When did you see a guard on a mill after that? I never went near a mill, but I heard it reported—at least the policemen thought they were guards.

Did you hear of any instances of guards being on again? I do not know whether or not, but I know that some were taken up.

Did you not hear from some member of the Association that guards were on the mills? I do not think I did.

But you heard of persons being taken up? Yes, for lingering about the mills, and I supposed it was for being guards.

The committee was against all violence, if I understood you right? Yes.

Did the committee ever give any information to the authorities in regard to violence during the last strike? I am not aware that it did.

Did you hear of combustibles being thrown into Hussey's mill? I never heard it till the sheriff asked me.

Did you hear of anything being thrown into Mr. Wood's house—a canister? Yes.

Did the committee hear of that? Yes, I heard it as a member of committee.

Did the committee give any information to the authorities in regard to that, or in regard to Smith's murder? I am not aware that they did.

When was the guard committee dissolved? At that meeting at which Mr. Gemmill addressed us; but although it was dissolved then, those who had come out from being nob's, still received their aliment from the guard committee, according to their bargain.

Did you know any of the guard committee? Yes: Walter Morrison and John Parker: I do not know who were the others.

Was there not a third? I could not say—I was from home when they were appointed.

Did Morrison and Parker continue the whole time? They continued to act as such the whole time, in the way I have explained.

Was any resolutions made in the Association against such acts as the murder of Smith, after it was committed? Of course it was often talked of in committees and lamented, and at one time we thought of offering a reward too, but on account of our finances being so low, Hunter said we could not do it; and it never was brought forward.

Did the committee ever give any information to the Sheriff or other authorities in regard to it? I think not.

(By Mr. ROBERTSON)—Had you information to give? No.

(By the Court)—When there were no guards, had you any means of knowing whether they were working or not? Yes: persons passing by accidentally, or persons living in the neighbourhood of the factory, had an opportunity of knowing.

Do you mean to say that although Morrison and Parker continued to pay aliment, that they never did go, after the meeting where Mr. Gemmill made the proposal, to act as guards on any mill in Glasgow? They had no authority to go, and I am not aware that ever they went.



You say they had no authority to go—from whom were they to get the authority? No authority from the Association.

Do you mean to swear that it was understood by the Association, that from the time of that meeting no guards were to go on the mills? I mean to say that I understood so.

Did you ever hear from any member of the Association that they had gone without authority? No.

Did you know of any instances in which alimint was withdrawn from a man because he had gone on guard after the meeting? No.

Was there any Bible belonging to the Association? No.

Did you ever see one in the room? No.

How long did you continue a member of the committee of supply? From the day I was chosen a member till the 29th of June, the day I was apprehended.

You were apprehended in the Black Boy? Yes, along with the others that were there.

(By the LORD ADVOCATE)—Were you in the lock-up house on Friday night, along with the prisoners—last Friday night? Yes, I was in the kitchen—I went to see the keeper, he is a relation of mine, a Mr. Ovenstone.

And you were in company with the prisoners then? Yes, they were sitting in the kitchen; Mr. Fisher, turnkey of the Calton-hill jail, was with me.

How long did you remain? About half-an-hour with the prisoners.

Did you tell Fisher you were to be a witness in the case? No.

Had you been cited for the prisoners before that? Yes.

Who was in the kitchen? Mr. Ovenstone, and Mrs. Ovenstone, and Mr. Fisher.

And had you no talk with the prisoners? No talk, except about the weather, and speaking about their relations in Glasgow.

(By Mr. ROBERTSON)—No talk about the trial? No.

LORD JUSTICE CLERK.—As a witness, you did extremely wrong in going where the prisoners were.

Witness.—I did not expect to see them there, my Lord; I went to see my relation.

THE LORD ADVOCATE.—At 12 o'clock at night? It was near that time.

LORD JUSTICE CLERK.—If he means to continue long in the office, Mr. Ovenstone will need take care what he is about: I recollect that the motion for the prisoners to go to the lock-up house was on the prisoners' own account.

Mr. ROBERTSON said, that he had to take two witnesses out of the order, as they were anxious to get home, and whose evidence was very short.

THOMAS ANDERSON—(Examined by Mr. ROBERTSON)—You are the post-master of Neilston? Yes.

Is that within the penny post delivery of Glasgow? Yes.

How far from Glasgow? Nine miles.

How many sub-penny post-offices are there from Glasgow? I cannot say how many.

How do you mark a letter addressed from Neilston to Glasgow? With the post-office stamp.

What is the stamp? No. 19.

What is the number 19? It is the post-office stamp for Neilston; the penny posts subordinate to Glasgow are all numbered, and Neilston is No. 19.

If I put a letter into Neilston post-office, addressed to any body in Glasgow, do you put the stamp 19 upon it? Always.

How do you charge the postage? We do not put a postage on it at Neilston.

Do you put nothing on it but 19? Nothing.

No date? No date.

(Gives witness a paper with various impressions "19")—Is that paper you hold in your hand stamped with the post stamp of Neilston? It is.

Look at this letter, addressed Mr. Alexander Arthur, manager, Adelphi, Hutchesontown, dated 20th June—is that the Neilston post-office stamp? Yes.

That is the only mark on such letters? The only mark.

Have you any doubt that that letter was put into the Neilston post-office? None.

(By the Court)—Neilston is nine miles from Glasgow? Yes.

There is a great many conveyances between Glasgow and Neilston? Yes.

Vans, and so on? Yes.

(Cross-examined by Mr. STEWART)—Look at the mark on that letter (No. 12 of inventory)—do you see a post mark on it? Yes.

It is the Glasgow mark? Yes, the stamp of the Glasgow post-office is on it.

EWING M'LEAN—(Examined by Mr. ROBERTSON)—You are a clerk in the post-office in Glasgow? Yes.

How many penny post-officers are there in Glasgow? 32.

Are they known by numbers running from 1 to 32? Yes.

Which is No. 19? Neilston.

About 9 miles from Glasgow? Yes.

Look at that letter—do you see the stamp of the post-office of Neilston there? I do.

Have you any doubt that that letter was put in at Neilston? None.

(Cross-examined by Mr. STEWART)—Do you see the Glasgow post mark on it? Yes.

Do you see post marks? Yes.

What is the post mark on this other letter (No. 12 of inventory)? I see part of it: I would take it to be Manchester.

You have no doubt that that is the Glasgow and Manchester post mark? No.

ADAM SIDESERFF, Cotton-Spinner—(Examined by Mr. ROBERTSON)—How long have you been a cotton-spinner? 25 years.

How long a member of the Association? Between 12 and 14 years.

Did you take any oath when you entered? No.

Do you know of any body taking an oath? I never knew of anybody taking an oath.

Never knew any one—did you come under any obligation of secrecy? None.

Did you come under any obligation to do whatever the majority resolved on? No farther than what was mentioned in the rules of the trade.

What was that? We were governed in all our concerns by the majority of the trade.

But there was no other obligation? None.

How were the affairs managed in ordinary times when there was no strike? By a committee of three, called a finance committee.

Was there any other committee at the ordinary times? No other that I knew.

Were the schedules of expenses sent down by the finance committee to the different mills? Yes.

Were the delegates appointed from each mill? Yes.

Were there occasionally select delegates appointed? Yes; to consider any important business that was thought necessary to lay before the body.

And to represent the opinion of the select committee on the business to the different shops? A select meeting is this—when anything of importance is necessary to be considered, the shops get notice of it, and they send what they consider the collective wisdom of the trade, to deliberate on whatever questions of importance are to be brought before them; and they return to their shops with the opinions expressed there, and the resolutions passed.

(By the Court)—A select meeting was when the shops were to send what was considered the collective wisdom, and these were to bring back the opinions of that collected wisdom? Quite so.

(By Mr. ROBERTSON)—Have you ever been a delegate yourself? Yes.

Have you ever been a select delegate? No.

Only an ordinary delegate? Only.

During strikes, what committees were there? If there was a general strike,

there was what is called a supply committee, and a finance committee, and a guard committee.

During the last strike, did the finance committee act separately or merge and sink into the supply committee? It sometimes acted separately, and sometimes jointly.

What were its duties when it acted separately from the supply committee during the last strike? To pay the men, and to receive monies from the supply committee: they had other duties to perform too, but that was their principal duty.

(By the Court)—What other duties? Sometimes to give the supply committee assistance in various ways and forms; but I do not recollect very well: the principal thing was to pay the alimant to the men.

What was the duty of the supply committee? To furnish the means of carrying on the strike, such as money, provisions, and what not.

What was the duty of the guard committee? To order so many men to go round the different places and see if any of our men went in to work before a general settlement or an agreement took place.

You mean until an agreement was come to with the masters? Yes: by that means they were to give information if any went to work who were receiving alimant from the society.

Were they to do any thing else? Any new hands that made their appearance, they were to do every thing in their power in a lawful way to persuade not to go into employment till a general settlement took place.

Were they to give them drink? Yes, if necessary, and also to give them the same alimant or weekly allowance that was given to the rest of the body.

The new hands, as well as the old hands, that wrought during the strike, were called nobbs? Yes, that was the term given to the characters of that description.

The Association disapproved of any one nobbing during a strike? They did not like it very well.

During the last strike, or at any other time, did you ever hear of any secret or select committee? I mentioned a select delegate meeting, but I never knew a secret select committee, or any other committee, but what I have mentioned.

Did you ever hear of a persecuting committee? Never.

Was it customary, whether there was a strike or no, to grant clear certificates? At all times it was the custom of the body or committee to grant clear lines to persons going from one place to another: it was necessary that these people should be clear in ordinary times when they got these lines—it was different in the cases of a general strike.

How was it ascertained in ordinary times whether they were clear? A book was kept for the purpose, in which every man's name was, and, if in debt, his debt was attached to it.

Who kept the book? The clerk.

From what materials did he enter the debt against such men?—how did he know who was in debt and who not? There was a shop book—every shop kept a book, and that kept all the debts belonging to the trade correct, and they were taken off the shop book into the large book every night of payment.

The accuracy of the entry in the large book depended on the accuracy of the entry in the shop book? Quite so.

During ordinary times, the clear lines were granted by the finance committee. The committee granted clear lines to every man inclined to go elsewhere to look for employment.

During the strikes, how was it? The case stands thus,—every man, when a strike took place, was entitled to receive from the body 12s. a-week, when the whole body was in the strike: there might be some in debt, and a balance made out, to see whether the man was indebted to the body, or the body to the man.

There was no alimant during the times that there was no strike? None, except to the idle men.

But during the time there was a strike, it was seen whether he was in debt to

the body or the body to him; and any debt set against him was balanced off by the aliment he was to have? Certainly.

During the last strike, was it the duty of the committee of supply to grant all lines? It was the committee's duty to grant all lines.

How were they signed?—was there a chairman in the supply? Yes.

Who was he? Thomas Hunter.

Were several of such certificates granted during the last strike? Yes, several certificates or clear lines for people to go elsewhere to look for employment.

Can you tell us any persons that got such certificates? I recollect M'Lean, the prisoner, getting one, Thomas Lochrey getting one, and a number more that I do not recollect.

Do you recollect Montgomery? Yes, he got one.

Joseph Parker? Yes, he got one too.

Joseph Nixon? Yes, I believe he got one too.

Where did he go to? I do not know.

M'Genty? Yes, he got one too.

Look at that (shews witness No. 23 of productions)—you see that certificate in favour of M'Lean? Yes.

You remember his getting it? Yes.

Did he apply for it? Yes.

What did he say on application?

The SOLICITOR-GENERAL.—It is competent to prove that this line was got on application, but the other party are not entitled to lead evidence as to what M'Lean did say. All that can be allowed is, that on the application of the prisoner it was given. You can have no evidence of what he said or averred for asking the certificate. We can only get the fact that application was made for it.

Mr. PATRICK ROBERTSON.—The present objection is perhaps practically, in the present instance, of no consequence; but it is of importance as regards the law, and as regards the prisoners at the bar. Surely when the prisoner on the 11th of July applies for this certificate, we are entitled to have the statement what was the object and purpose of that certificate—whatever the effect of it may be. It may be good evidence against him—how is it to be maintained that a statement made at the time he made this application, is not evidence for the prisoner? Here is a member of this Association, applying on a particular day to the granters of such certificates, and he states the ground of that application. I submit that is evidence, so far as it goes, and is a part of the *res gesta* when the certificate was obtained.

The SOLICITOR-GENERAL.—The subject of inquiry is not here how and in what circumstances he got the certificate—that is no part of the *res gesta*. Most unquestionably a statement made by a party is evidence, but always evidence against that party. There are cases in which letters written by a party have been refused to be admitted as evidence, though written ten or fifteen years previously.

Mr. D. M'NEIL.—The Crown has produced this document as a part of their evidence against the four other prisoners. This question comes to be whether they are entitled to prove the circumstances under which they put their names to it,—the circumstances that occurred at the time. What is the *res gesta* of this charge against the prisoners? A charge from time immemorial down to the time they were apprehended. One of the important charges is the particular fact of having granted this certificate. I want to know what occurred at the time. It was granted as to a person going abroad,—that is certainly part of the *res gesta*. It is something strange if it was to be considered that the other prisoners had something mysterious at the time they granted the certificate. How is it to be cleared up, but in this way.

The LORD JUSTICE CLERK.—Taking it merely as a part of the *res gesta*, I am inclined to allow the question to be entertained, but we are not to depend on

what the prisoner says of his own conduct—that is not to be a proof in his favour. We allow the question to be put in a limited way.

(By Mr. ROBERTSON)—Did M'Lean assign any reason why he applied for the certificate? Yes, that he wished to go elsewhere to look for employment.

When was it that the application was made? In the beginning of the Glasgow fair week—I think it was on the Tuesday.

Early in the day, was it? The forenoon, I think.

Do you know whether M'Lean was in arrears? Yes: when we had struck he was entitled to receive 12s. a week: M'Lean was many weeks on the strike, and he did not receive nearly the amount of his aliment during that time, and therefore the body was in debt to him, and was entitled to give him a clear line.

When the members go away they get no more aliment? No.

When a man gets a line to look for work elsewhere, he gets no more aliment unless he return—then the committee are glad to get quite of him? Of course.

Did you think or suspect that there was any thing wrong or out of the common run of certificates in this certificate?—look at it—is it in the common form? I do not know if there is any common rule of drawing them out: they are drawn out by different persons at different times, and they may express them according to their own ideas.

(By the Court)—You did not draw out that? No.

(By Mr. ROBERTSON)—Do you remember the meeting Mr. Gemmill made a speech at? I remember of a meeting of that kind taking place.

And resolutions were entered into at that meeting, and published in the newspapers? Yes, the Liberator and the Herald, I believe.

Who was in the chair at that meeting? I could not distinctly say, but, in my opinion, it was James Gibb.

Were the resolutions to the effect that violence was to be discouraged and the guards taken off? Quite so: the resolutions were to the effect that there were to be no more guards, and no violence used of any description.

Before that, had there been molestation of people at the different mills? I heard rumours that there were some scuffles had taken place here and there at different parts of the town.

And you heard that people had been apprehended? Yes.

And some of them convicted? I believe there was, but I could not be positive.

(Cross-examined by the SOLICITOR-GENERAL)—The meeting was on the 23d of May? I cannot say.

Were the guards taken off? Immediately.

How long did they continue off? Till this present day.

They never were put on again? Never by the voice of the body?

Did they go on without the voice of the body? If they did so, it must have been on their own responsibility or from curiosity: but I mean to say distinctly, that the body never gave orders to that effect.

But did the guards go on or not? Never, to my knowledge.

You never heard of any of the guards being on after that meeting? I never heard of any guards being put on by the voice of the body.

But attend to my question: I speak not of the body; I ask a plain question—whether the guards were or were not on the mills after the meeting, or did you hear of it? I never heard any thing of the kind.

You are a member of the committee of supply? Yes.

Were you a member of the guard committee? No.

Who were the members of the guard committee? John Parker, John Trotter, and other two or three, whose names I do not recollect: there were Walter Morrison and Walter Clark: I do not remember the fifth at present.

Have you seen Richard M'Neil write—do you know his handwriting? I could not say that I do.

Do you know the book that he kept? Yes, I think so.

Is that the book? (shews witness No. 4 of inventory) Yes, I believe this is the book.

Is that his handwriting in that page? I could not distinctly say: I could not say it is or it is not.

But that is the book he kept? Yes.

Did you ever hear of the nobs being molested by cotton-spinners during the strike? I have heard various reports of that kind.

Do you know any cases of molestation? I could not say: it is only from report that I heard it.

Did you never know the funds of the Association being used for the defence of cotton-spinners accused of molesting nob? I never knew the funds of the Association being applied to defend men accused of maltreating, or molesting nobs.

Did you ever know of the funds being used to give bail to them in that situation? I never personally knew of any thing at that time; I was no member of committee: I held no situation to enable me to know that it was the case, but I heard of it.

But was it not known generally through the society? I could not say whether it was or not.

Do you know of Keddie being convicted—you heard of his being convicted? I did not hear distinctly of his conviction, but I heard it said he would be sent to bridewell for a certain period.

(By the Court)—I suppose you know that people are not sent to bridewell in this country without conviction? Well, that may be.

(By the SOLICITOR-GENERAL)—Who defended Keddie? Mr. Gemmill.

Is he the general agent of the Association? He is, just now.

Were there not thanks returned to him for his assiduity in the affairs of the Association? There were thanks for his bringing the opinions of the authorities for attending and explaining the law to the Association, in order to guard them against error in time to come.

Did you ever know of any man being put off alimnt, or deprived of the privileges of the Association, for molesting nob? I do not think that I did.

Was it generally known among the Association that there had been tumults to a great extent before this affair of Keddie's? I could not say—it may have been general or not—I could not say: I have heard of several bits of affairs, such as quarrels with persons in the streets at that time.

I suppose a nob was perfectly safe in walking the streets? I could not say whether he was in safety or in danger.

Was there anything in the circumstances? Nothing that I know.

Suppose you had been a nob at that time, would you think you had been in danger? I could not say what my opinion would have been had I been transmogrified into a nob.—(A laugh.)

Perhaps if you had been transmogrified into a nob, you would have been a little more timid than as a member of the Association? I could not say.

Till Keddie was in the hands of the law, and about to be sent to bridewell, other men were apprehended on similar charges—previous to that time did the Association ever interfere for the protection of nob? It is not very likely.

The Court.—Attend to the solemnity of this Court.

Witness.—I am acting on that principle.

The Court.—The question is a very plain one.

Witness.—It may be to you, my Lord, but not to me: the Association, in regard to coming forward to protect them with their money, is out of the question.

That is not the question—it is, did the Association ever interfere to protect them from their own members? Every protection that could be afforded to our men, and also to the other side of the question, was done, as far as we could do it.

What was done for the protection of the nobs before Mr. Gemmill's meeting? I do not know whether there was anything done either to protect or molest them.

Were resolutions such as were passed at Mr. Gemmill's meeting, passed at any previous meeting? I never heard any.

(By the SOLICITOR-GENERAL).—Were you aware that before that meeting, the public authorities of Glasgow had put up proclamations in the streets, about molestations that noba got from the cotton-spinners? I have seen a proclamation, telling cotton-spinners and others not to assemble in crowds here and there, as it was considered they were molesting the noba.

Perhaps you may recollect that the proclamation was by the Lord Provost, and Magistrates, and Sheriff—do you know that that proclamation was dated on the 13th of May? I do not know.

Well, it was so dated—you read it? I do not know whether I read that proclamation, but I heard that such was put up.

The Court.—You said—I have seen the proclamation.

Witness.—It must have been an error in my statement.

(By the SOLICITOR-GENERAL).—Do you mean to state the trade was not aware of it? In regard to the trade, they might have known it if put up.

Do you know if it was generally posted? I could not say.

But between the 13th of May and 23d, the Association held no meeting for the purpose of passing such resolutions as were passed at Mr. Gemmill's meeting, to put the guards off? No.

The guards continued on the factories down to the 23d of May, notwithstanding that proclamation of the Magistrates? Yes.

But you are quite certain, and swear positively, that the guards were put off after the 23d of May, and never were put on again? I say they were put off, and never were put on again, so far as I know.

In point of fact, never were so? I can say nothing about that: a few may have congregated themselves together.

But were they on, so far as you know? Not to my knowledge: I have expressed it 6 or 7 times.

Yes, you have expressed it twice, and I have got a clear answer to a clear question, to my satisfaction: was the guard committee ever removed—was it put an end to? No.

It continued, did it? Yes.

It continued to the end of the strike? Yes.

What did they do? They paid the men that they had taken on their allotment.

Have you heard of cotton-spinners being accused of throwing vitriol in the faces of noba? Yes, I have heard that reported.

Have you known of any of them being convicted of such things? I never personally knew any person that was convicted. It is only 6 years since I became a member of the Glasgow body: I was working in Neilston parish a portion of the time, and in Houston parish, and the rest in Johnston: at these places we heard very few reports.

How far are these places from Glasgow? Houston, 12 miles; Johnston, about 10 miles; and Neilston between 9 and 10 miles.

Did you never hear of the case of one Kean or Kane? No: I may have heard of that name mentioned since I came to Glasgow, but I heard nothing of it at the time.

Who were the members of the finance committee during the strike? Peter Hacket and John Bunyan, at the commencement of the strike.

Were the finance committee paid? Yes, they got 5s. per week to defray their expenses: every member of committee got 5s. per week in ordinary times.

Who went out of office? I do not recollect.

But nobody was elected in his room, to save expenses? Yes, I understand that was the case.

Do you remember of the Oakbank demonstration? I was not in the town on that occasion.

Do you know who gave directions for it? I am not aware of any directions

being given : I did not see it : I heard nothing of it when I went away, and when I came back I heard something about it.

Hunter is the chairman of the supply committee ? Yes.

M'Neil secretary ? Yes.

Gibb assistant secretary ? Yes.

Hackett the treasurer ? Yes.

(By the Court)—You held the nobes to be in no danger during the strike ? I cannot say whether they were in danger or not.

Do you swear that in your opinion, during the strike, the nobes were not kept in a state of great intimidation and alarm by the struck cotton spinners ? I mean to say, that the body did not act so as to intimidate them by any rule or law whatever.

But do you know or believe, or do not know and believe, that during the strike the nobes were kept in a state of great intimidation and alarm by the cotton spinners who had struck ?—what is your opinion ? Some of them might have been so and others not.

Were the nobes in general over Glasgow not kept in a state of intimidation and alarm ? No, they were not, so far as ever I knew.

(By a Jurymen)—Did you know anything about a secret committee ? I know nothing of that kind.

Do you know anything about a debt committee ? No : but I know it was intended to be appointed, in regard to some individuals indebted to the body ; but I do not know if ever it was put into action.

How in debt ? By getting money from them and not paying it back.

Did they get it in, the emigration scheme—did any committee advance £10 to any individuals ? Yes.

(By the SOLICITOR-GENERAL)—How many got it ? A great many : some of them got it in the commencement of the strike ; but I do not know if they got it in the strike, for we had it not to give.

Were bills given for it ? Yes : the body was compelled to pay those their £10 who had been on the list, and who were prepared to emigrate, and during the strike the body was obliged to give it to them.

There was no payment during the strike, except to these persons ? Not that I am aware of.

(By a Jurymen)—Did you ever see any of these bills ? I do not remember that I did—I was in no way connected with the committee at the time.

(By the SOLICITOR-GENERAL)—Who got these bills ? I believe they were kept in the safe of the trade : but I handled none of the bills, for they were all passed before I came into the committee.

(By the Court)—But the bills were all safely laid bye ? Yes.

(By the SOLICITOR-GENERAL)—You never inspected the safe ? No—I never had a key.

Do you happen to know whether the Association had a Bible ? I never saw one in the committee room.

In any room in Smith's Tavern ? I never saw a Bible in his house, that is, in our rooms.

Had the Association ever a Bible at all ? I never saw one.

Did you never see them use a Bible ? I never did.

(By a Jurymen)—Were the bills at a day's date, or 3 years' date ? I know nothing of their terms.

(By the Court)—During the strike did any of the nobes grant such bills—did you ever hear a word of any of the men then working, that had granted such bills ? I could not distinctly say that I ever heard any such thing.

Or anything about prosecuting ? It was proposed to get prosecutions against the people indebted to us, but I never knew that that committee came into action.

GEORGE MACALLUM, Cotton-Spinner—(Examined by Mr. ROBERTSON)—How long have you been a cotton-spinner ? Rather better than 8 years.



And a member of the Association all that time? Yes.

Did you take any oath on your admission? No.

Do you know of any oath being administered to others? No.

Did you ever hear of any oath being administered to others? No.

Did you take any obligation of secrecy? No.

Did you come under any obligation to abide by the decision of the majority?  
No.

Did you come under any obligation at any time? No.

Where were you admitted? In a house in Spoutmouth-street, Glasgow.

A tavern in the Black Boy close? No: I do not know the landlord's name at that time; but one Dods is in it now.

In ordinary times, who managed the affairs of the Association? A committee—generally called the finance committee.

Was there any other committee during the time there was no strike? None that I ever heard of: there was what they call the emigration committee.

What was it? Any member who wished to go to America, his name was put on a list, and his name was put through the trade.

Was any money given to them on emigration? Yes, I think £10: in some cases a man was appointed to see them away.

Was any bill for the £10 taken from them? I believe there was.

What were the words of it? That if they were returning within three years, they were responsible to pay this money back to the society.

And would have been prosecuted on the bill? Yes.

Were delegates appointed by the different mills? Yes.

What was their duty? To act for the shop in which they were connected, in meeting to transact business with the finance committee.

Were schedules of the expenses of the income sent down to the different mills?  
Yes.

Were select delegates appointed occasionally? Yes.

What was the purpose of the select delegates? To transact the business of the trade.

Were they different from the ordinary delegates? No: our regular delegates had to go in rotation, whether qualified or not, or to pay a man for to act for them; and the select delegate was one selected from the whole shop, on account of his superior qualifications, so far as the judgment of the shop went.

You remember the last strike? Yes.

Which continued down to July? A little longer.

What committees were in existence during the last strike? A finance committee, and a supply committee.

Did they act together? Yes.

(By the Court)—Did they act also apart? I could not say; but it was considered that the two were at work with one another.

What was their duty? To look after supplies for the men who had struck.

What was the principal duty of the finance committee during the strike? The men that paid out the money to the men that were in the strike, and to keep the accounts.

Was there a guard committee? I believe there was.

What was the object of the guard committee? To ascertain how many new hands were taken into the works, and to report to the different shops, that the trade might know how many had gone.

This guard committee was to report, that the trade might judge whether to continue the strike or not? Yes.

Had they other duty to do? Not to my knowledge.

Were you to try to get the people out? I do not know whether they were requested to do that or not; but I know they got some out by their influence.

Were they in the habit of giving them drink? I could not say.

Were you a member of the committee of supply? I was not.

Nor the finance? Never.

Nor the guard? No, of no committee at all.

Was you a delegate? Yes.

How long? About eight weeks, I think, at the latter part of the strike,

Were you a delegate in the month of June? Yes.

Did you at any time know or hear of any secret or select committee? No,

Or of any committee or portion of the society under any name connected in any way with violence? No.

Do you remember, in the month of June, a meeting in 'he Green, at which Dr. Taylor made a speech? Yes.

Were you at that meeting? I was.

What time did you leave it? I do not remember at present: it was in the after part of the day, but I do not remember the hour.

Were you at a meeting of the delegates that evening in Smith's, Black Bay Close? Yes.

Do you remember the day of the month? No.

But you are sure it was the same day on which Dr. Taylor's last public meeting on the Green was held? Yes.

What time did you get to that meeting of delegates? At about 8 o'clock.

Had the business began? Yes.

Was any body in the chair? Elder Dickson.

Dickson is an elder in Mr. Harvey's Chapel? Yes.

What time did you leave the meeting? I do not recollect the hour; but I might have been about an hour and a half there.

Had the meeting been broken up when you came away? Yes.

How many persons might have been there? Between thirty and forty.

Did persons, members of the Association, who were not delegates, occasionally attend delegate meetings? Yes.

Were any such at that meeting? I do not think that Dickson himself was a delegate: I had a reason for knowing he was not a delegate, as we are acquainted; and we were on that evening to attend a meeting of the Temperance Society, in the Marlborough Infant School, of which we are both members; and we were prevented from going, as Dickson was anxious to go up to the meeting of delegates.

Is he a person that was held in considerable respect in the trade, being an elder? Yes.

During all the time that you were at that meeting, was there any proposal made for the appointment of any secret committee? None.

Do you know James Moat? Yes, I do.

Was he a delegate? No.

What was he? A cotton-spinner.

Do you know if ever he was a vender of drugs? I do not know.

Was he present at that meeting of delegates? No.

You are sure that he did not make a speech at that meeting? Quite sure—I did not see him that night.

Do you know John Davies? No.

You heard no speech made by any person of such a name, that night? No.

What was transacted at that meeting? We had rather run short of supplies, and this meeting was taking into consideration what would be the best means to keep the men till they could obtain what they considered to be their rights, and to enter into a contract with a Mr. Baird, so as to be able to allment the men during the strike.

Were there any speeches delivered this night at the meeting? No speeches—nothing past the main business about raising the supplies.

Can you tell me any other persons that were there? There was George Crow and Archibald Mackay: I do not recollect at this distance, who were present.

Was William M'Graw there? Yes.

Was Gibb a delegate? He was one of the supply committee.

And no delegate? No.

Was he at the meeting? He was not.

Was there a man of the name of Ross there? Yes.

Was Hunter there? No.

Or any of the other prisoners? Not one of them.

You are sure of that? Quite sure.

(Cross-examined by the LORD ADVOCATE)—Are there any persons called by the name of nob? Yes: individuals who wrought at the terms the masters wanted them to work at, were called nob.

Were they always called nob? Yes, any that did so.

Did you ever hear of any violence having been done to them? I have.

Did you ever see it? Never.

Who did that violence? I have heard of individuals being punished for it; but whether they did it or not I cannot tell.

Did you consider nob in safety during the last strike? I could not say whether or not,—I know of nothing that was to injure them.

Were any spinners disposed to injure them? Not to my knowledge.

Did you hear of any persons being taken up for it? Yes, I heard of an individual at Mile-end being punished for it; I do not remember his name.

Who was the agent for the spinners during the strike? I do not know of there having any law agent till Mr. Gemmill took in hand the business.

Do you know of Mr. Gemmill opening the meeting? I heard of it—I was not present.

Where were you? At Belfast.

When did you go to Belfast? Shortly after the strike.

How long after? It might be a fortnight, not more.

How long did you remain at Belfast? About three weeks or better.

Did you go to Belfast on the business of the Association or the strike? No.

Was you chosen a delegate after you came back? Yes: about two months after the strike began—it might be about the beginning of June.

Did you ever see any guards at the mills, either before or after? No: I did not attend at the mills.

You heard of them before you went to Belfast? Yes.

Have you heard of them after you came back? Yes.

Was you ever a member of the committee of the Association? I never was.

Did you never hear of any oath being taken by any member? Never.

You say you attended a meeting of delegates when Adam Dickson was in the chair? Yes.

Were any members of the committee of supply present? None.

Were any members of the committee of finance or supply expected to attend it? Not to my knowledge.

(By the Court)—You told us the delegates made their report—to whom was the meeting of delegates to make their reports? The purpose of this meeting was that after it was past, each delegate might meet with his shop and report there the opinions and resolutions of the meeting.

Did any body make any complaint at that meeting, because the finance committee were not there? I heard of no complaint of the sort, so far as I remember.

Then the delegates communicated with each other, and went away, after being an hour and a half together? Yes.

Then you went away at half-past 9? I could not say exactly; but we were about an hour and a half together.

Was the contract with Mr. Balrd the chief business? No: there was the regular reports from the shops, as usual.

Then, with the exception of the contract with Mr. Balrd, you had the same nature of reports every day? No: there were different subjects came before them; for instance, the question in regard to the agreement between the masters and the men—there had been deputations sent to the masters.

Did the members of the finance or supply committees attend? They attended whenever they thought proper—we sent for them sometimes: the committee sat in their own room.

Were they sitting in their own room that evening? I do not know.

They might have been sitting in their own room for anything you knew? Yes.

How many rooms are there in the house where the committees meet: are there 1, 2, 3, or more? I am convinced there are more than 2: I am well acquainted with the committee rooms, but I do not know the interior of the house.

Do they go up a trap-stair to a landing place? They go up a wooden stair that leads to the whole.

Do you know of three or four rooms in that upper flat? I know of two rooms at the head of the stair.

Where was your meeting? In the kitchen.

Do you know a room where the society met in? Yes: that is the committee room, or the kitchen of the house.

Is there another room near it? There is a room, after going through that room, which I have seen Mr. Smith pass through the committee room to go to, at the time we were met: there is another door which I never saw any person go out of.

You do not know whether the committee of supply or finance met that day or not? No: it was their duty to meet every day, with the exception of Sabbath.

You all met together—how many were they in number when all met? The supply committee had 12, and I do not know but they had power to add to their number; but I am not certain: the finance committee consisted of 3—we used to call the supply committee, 'the 12 apostles,' because they went about with the bag.

Might the finance and supply committee not have met that very night in that house? It is quite possible.

Where did you go after leaving there? I went to the meeting in Marlborough-street—I went alone.

Do you know if the finance committee met after you left that house? I could not say.

They might have met for anything you know? Yes, O yes.

As they met every day, if they did not meet then, they might have met some other part of the day? Yes.

Do you know whether they met on any earlier part of the day? No.

You had not heard, when you were at the delegate committee, that they had not met in the forenoon? No.

And if they had not met in the forenoon, do you think they would have met later? I do not know.

They used to meet at 11 o'clock forenoon—do you know of them having had late meetings? No, except on a Saturday evening, or any other evening when we were getting money: I have known them sit as late as 11 o'clock at night, perhaps waiting on other trades coming in with their mite to support us.

Then it would not be an extraordinary matter to meet every night at 10 or 11 o'clock? I had not opportunity of seeing them at that hour, except when getting money.

You never attended any of the committee meetings, except for the purpose of getting money? No.

(Mr. ROBERTSON here stated, that he would call Mrs. Helen Smith, departing from the regular order, as his witness was anxious to get away.)

Mrs. HELEN SMITH—(Examined by Mr. ROBERTSON)—Your husband works in Houldsworth's? Yes.

Did you know a woman of the name of Mary Wilson? Yes.

The wife of Alexander M'Donald, a labourer? Yes.

Were you well acquainted with her? Yes.

She is dead? Yes.

When did she die? I could not say exactly when she died.

Do you remember the day Smith was shot? Yes.

How long might it be after that? About a fortnight or 3 weeks.

What did she die of? A fever.

Was she a quiet, sober woman? Yes, so far as I know.

Had you ever any conversation with Mrs. M'Donald, about the person that shot Smith? Yes.

On more occasions than one? Yes.

When was the first? On the Tuesday after the murder.

Where was it? In her own house in Clyde-street.

You live hard by? In Hutchesontown.

What led you to go there? I sent for my husband to Houldsworth's mill, to come to Mrs. M'Donald's that I might speak to him there.

What was the conversation you had with Mrs. M'Donald? When I went in, I says, 'good life, Mrs. M'Donald, there has been a man shot.' She replied—yes, I saw it done: I then said, 'you'll know the man that did it:' she said no, she did not know him, but only his appearance. I said, what like was he: she said, he was a little man, with dark moleskin clothes, or dirty moleskin clothes.

Anything more of his description? No.

Did she say how the thing was done? She said the flash met her in the face, and she ran after the man that had fired.

Was she coming up the street or going down? Coming up the street.

Where did she run? To go through the through-going, where she saw him retreating.

He went through the through-going, and there she lost him? Yes.

You say, dirty moleskin trousers, did she say he had on a jacket? Yes.

What were the words she used? She said he was below the common size of men, little and stout.

Had you ever any conversation with her again on this subject? Yes, after I heard that William M'Lean was apprehended.

Did she describe the thing again to you? Yes.

Was her description of the dress, the size, and the stoutness, and the other circumstances the same as before? Yes.

Was she in good health, and perfectly sound mind, when she made this statement to you? She was.

Did she say whether her husband was with her at the time? Yes.

Did she say whether he was sober or drunk? He was tipsy.

(Cross-examined by the SOLICITOR-GENERAL)—Did she tell you where she was when the shot was fired? A little before them—meeting them in the face.

You say the flash met her in the face? Yes.

Did she say she was coming up or going down? She was coming up from the foot of the street.

How long was this conversation after the act? The Tuesday following.

Did she say the man passed her before he got to the close? No: he ran before her up the street, and then into one of the closes.

Leading from Clyde-street to Piccadilly-street? Yes.

Did she say any body was with Smith at the time he was shot? His wife.

Did she say how the man came near Smith to fire the pistol? She did not see him before the flash.

The flash was the first thing that struck her? Yes.

(By the Court)—What part of Clyde-street is Mrs. M'Donald's house? Near the head of it.

(By the SOLICITOR-GENERAL)—Did she say there were any other persons present there? No: she went after the man, to go through the through-going.

(By the Court)—Did she say whether she had seen Smith fall before she went after the man? No, she did not think there was a person shot.

(By the LORD ADVOCATE)—Did she say why she ran after the man? She saw

the flash of the pistol, and she wondered what it was for, and she ran to see why the man was firing.

(By the Court)—Did she name the through-going close that she went into? No.

Do you recollect if it was Cross's close? No: but I understand it was the close.

She did not see Smith's wife any more than himself? No.

Did she mention his doing anything about his dress after firing the shot? He adjusted his hat.

Was Mrs. M'Donald's husband present at any of these conversations? No.

Did she, or did she not, tell you that the man came in behind Smith's back, and then fired? Yes, she told me that she considered the person was behind, from seeing the flash in her face, and then she saw the man going away.

After the flash she saw him? Yes.

Did she describe to you particularly the spot where it happened? Yes.

Did she take you to it? No.

Where did she say it was? Down opposite Mr. Houldsworth's mill, at a woodyard.

She did not say she saw the man have a pistol? No.

Did she say something about his wife at the time? She saw them, and passed them after the shot.

Did she describe to you, after she saw the man go away, how she knew that it was he that fired the pistol? By his mode of going away.

Did you understand her to say that she was coming up the street, and met Smith and his wife going down? Yes.

And that she was not behind them? No.

Did she say she saw no other than this one man at the time of the flash? She said she saw no other.

Did she say nothing about giving information? She said she did not like to be troubled.

Do you know whether information was given to the authorities, before Mrs. M'Donald's death? Yes, there was.

Was she in fever by this time? Yes.

How long was it after your last conversation with her, that she fell ill of a fever? I forget.

DANIEL MONTGOMERY—(Examined by Mr. ROBERTSON)—How long have you been a cotton-spinner? About 20 years.

How long a member of the Association? About the same time.

Did you apply for a certificate or clear line? Yes.

When was that? 11th July last.

What was your object in applying for it? I intended to go to England to look for work.

Is that the certificate you got? (the certificate handed to him.) Yes.

It is signed by Hunter, Gibb, Hacket, and M'Neil? Yes.

Were they members of the supply committee during the strike? Yes, I believe they were.

Did you tell them the object you had in applying for the certificate? Yes.

You had been on the strike? Yes.

Were you getting alimnet? Sometimes 1s. and sometimes 1s. 6d. a-week.

Was that all you got? Sometimes 2s. and sometimes 3s.; sometimes, at first, I got more than 3s.

What was the reason of your getting less? There was no more to give: the funds were falling off as the strike continued.

Do you know the prisoner M'Lean? Yes.

Do you know whether he got a certificate at the same time with you? Yes.

Do you know a man of the name of Smail? Yes.

Do you remember seeing him at Blantyre? Yes, the same day we went away from Glasgow.

What do you mean by 'we'? M'Lean and I.

What took you to Blantyre? We were on our road to England.

Did you speak to Smail when you saw him? Yes.

Where did you go next? We went down to Blantyre works.

What were you doing there? To ask some assistance to carry us on our road.

Did you get any assistance? No.

Where did you go to next? We returned to Glasgow.

Were you at Bothwell? Yes; the next day we returned from Bothwell to Glasgow; we came round by Blantyre; and because we got no assistance, we gave up the idea of going to England.

Had you not the means? No.

Do you know a man of the name of Christie? Yes.

He had a shop in the Gallowgate? Yes.

Where is his house? He was then stopping in Hospital-street, Briggend, I think.

Were you in Christie's shop in the Gallowgate after you returned from Blantyre? No.

When were you last in that shop—when you were leaving to go for England? Yes.

That was the day you got the certificate? Yes.

Did you borrow any money from Christie at that time? Yes, half-a-crown.

Did you ever pay it to him back again? No.

Why not? I never had it in my power.

Did ever you at any time in that shop in the Gallowgate, or at the door of the shop, or in a room off the shop, see M'Lean give Christie a pair of black worsted gloves, or any kind of gloves? No.

Did you ever know of M'Lean borrowing gloves from Christie? No.

Did you ever borrow a pair of gloves from him yourself? No.

Did you ever ask him to lend you a pair of black gloves or mitts? No.

Was you ever in the house in Hospital-street with M'Lean, on a Sunday night? Yes.

Had you any drink there that night? Yes.

Did you ever in that house or shop ask Christie to borrow a pair of black gloves or mitts? No.

Or at the back door of the house ask him for black gloves or mitts? No.

Did you know any purpose for which black gloves could be used at the time? No.

You remember whether M'Lean had been drinking that night? Yes, he was drinking along with the rest of us.

(By the Court)—Who were there besides you? Brown, Osburn, and Lochray.

Was there a person the name of Campbell present? No.

You say you were not in the shop in Gallowgate after the 11th July—were you ever in the other shop in the Briggend after that? No.

Had you any reason for not going back? Yes.

The half-crown, I suppose? Yes.

Were you ever with M'Lean in the Gallowgate in Christie's shop after you returned from Blantyre? No.

But before that you had been there with him? Yes.

Did you ever in the shop in the Gallowgate, or any where else, hear M'Lean make any statement to Christie about a woman? No.

Or about any act of violence of any kind that had been done—any thing about breaking the panel of a door, and getting into a house? No.

Any thing about a woman being down on her knees? No.

No story of that kind? No.

Did you ever hear M'Lean tell such a story to you or any body else? No.

Do you remember any conversation of a remarkable kind between M'Lean and Christie in the shop, or coming out of the shop in Gallowgate? No.

(Cross-examined by the SOLICITOR-GENERAL).—How long have you been in the Association? About twenty years.

Have you served as a guard? No: I know nothing of that name.

Did you never hear of the guard committee? No.

Did you not hear of a guard committee during the last strike? No.

Did you never hear of a guard at the mills? No.

Did you ever hear of nobs being molested by cotton spinners? I have heard of them being molested, but not by cotton-spinners: I have only heard of it by seeing it in the prints.

Did you never hear of any cotton-spinners being tried for molesting nobs during the last strike? Yes.

By cotton-spinners? Not to my knowledge.

It was no purpose of the Association to molest nobs? No.

A nob was quite safe in the streets? Yes, for aught I know.

Did you believe that a nob was in no danger at all? In no danger, that I know of.

(By the Court)—Except those two days you were at Blantyre and Bothwell, were you in Glasgow during the whole time of the strike? Yes.

(By the SOLICITOR-GENERAL)—Were you at the Oakbank demonstration? I went past it.

You were not forming a part of the procession? No.

You did not walk with it? No.

(By the Court)—Were you ever committed on any criminal charge? Yes.

What was it for? Striking a man in his own house.

Were you never committed for any thing else? No.

How long since this? 12 or 14 years ago.

Were you never committed for fire-raising? No.

(By request of the Solicitor-General, the following answers were taken down by the Clerk of Court.)

Were you ever committed to prison on a charge of wilful fire-raising? No.

Have you not been committed for such a charge within the last six years? No.

Do you know Wyndford cotton mill? Yes.

Was you never committed in regard to any charge connected with that mill? Never.

The LORD JUSTICE CLERK.—Before signing these answers, which have been taken down by the Clerk, I advise you to consider well before you sign.

Witness.—I have no occasion, my Lord, to consider when I know that I was not committed for any such charge: I will sign at once whether I am committed or not: (witness signed the answers.)

JOHN REEVIE—(Examined by Mr. ROBERTSON)—You are employed in sticking up bills occasionally? Yes.

Do you remember sticking up a bill about a reward for apprehending the man that shot Smith? Yes.

When did you begin sticking up that bill? On a Tuesday, 25th of July.

Would you know the kind of bill again if you saw it? Yes.

£500 reward? Yes.

Is that a copy of it? Yes.

Did you know the shop of a man Christie in the Gallowgate? Yes.

What kind of shop was it? A spirit shop—a spirit cellar, entering from the street.

Did you stick up any bills near that shop? I put up two bills on each side of a close nearly opposite the shop,—at No. 106,—on the other side of the street.

Was there any wall or place immediately opposite where you could stick up a bill? None that I could see.

Was the close at which you stuck up the bills farther up, or lower down, on the opposite side, than Christie's shop? Farther up, about 8 or 10 yards.

What time of the day did you stick up the bills there? A little after three, or about three o'clock in the afternoon.

How soon had you begun the sticking up of the bills that day? About 1 o'clock.



And where did you begin? A little from the Buck's Head Inn, in Argyle-street.

Tell us how you went on? I posted along Argyle-street, and along Trongate-street, and then down along London-street, and up to the corner of Monteith-row; then the corner of Kent-street—then along Russell-street, and into Kent-street, opposite the fruit market; then turned into the Gallowgate, and away to the westward again.

And you think it was about three o'clock before you arrived at Christie's? I think so.

That was your portion of the town? Yes, at that time.

Was there the appearance of a bill being put up at that place before? There were plenty of bills there before, but none of that kind.

Where did you get the bills? In M'Kenzie's printing office.

Had you waited at the printing office for some time before you got the bills? When I went into the office they were throng throwing them off, and I waited to get my compliment, and that was the first batch.

(Cross-examined by the SOLICITOR-GENERAL)—Had you got the first of them? I could not positively say; but I waited till I got them from the press, and there was none there that got them before me.

None had been put up before that day? I did not notice any.

(By the Court)—Did you stick both sides of the Gallowgate? Yes.

WILLIAM LOCKHART—(Examined by Mr. ROBERTSON)—You are a cotton-spinner? Yes.

You know the prisoner M'Lean? Yes.

You recollect the Saturday night Smith was shot? Yes.

When did you hear of it? On the Monday morning following.

On that Saturday, did you see M'Lean? Yes.

Where? In the Green.

At what time? It would be past 8 o'clock in the evening.

Where did you go to from the Green? I went along with M'Lean to a change house in the Saltmarket.

Were you at the Cross before you went to the change house? Yes, we went along London-street to the Cross, and on to the Saltmarket.

Whose public house were you in? One Angus Cameron's.

Did any other body go along with you and M'Lean? A great many,—John Thom, John Miller, one Corrigan, (I do not know his first name,) John Andrew, Alexander Stevenson, and James Grieve.

Was there one the name of White there? Yes, and a good many more.

What were you doing there? We went in to get a dram.

Were you getting any aliment that night? Yes; and it was rather late before it came, and we went down to Cameron's till the aliment would come forward: M'Lean proposed we should go there, as he was acquainted with Cameron.

What sort of an evening was it? A wet evening: it was owing to its being wet that we went there.

How long did you remain in Cameron's? Till 12 o'clock.

Who remained with you? M'Lean, and a great number more,—all these that I have named remained along with us.

Do you recollect if he was out at all? He went to the door, and brought in a man that had called for him.

What was that man's name? Finlay.

What time was it? Before 11 o'clock.

Did Finlay remain or go away? He came in wanting his aliment, and the man that had the aliment had gone away, and he stopped about five minutes, and went away to get his aliment.

Who brought you your aliment? One John Stark, and one William Johnston.

What was the aliment you were getting? I think it was 1s. that night.

Had it been more or less at the beginning of the strike than 1s.? I was not in at the beginning of the strike.

Were you working as a nob? No.

Your mill had not struck perhaps? No.

With the exception of that time that M'Lean brought in Finlay, do you say he was in Cameron's house till 12 o'clock? Yes, with the exception of about five minutes I was out myself: I left him in the company when I went out, and I had found him in the company when I came back.

With these two exceptions he was in your company from the time you left the Cross till 12 o'clock? Yes.

Where did you go after twelve? We went down to M'Ilwraith's, in the Bridgegate—White, Millar, M'Lean, Thom, Andrew, Corrigan, Stevenson, and I.

Did you meet any body on the way? Yes, one Walker, a spinner.

Did he go with you to M'Ilwraith's? Yes.

That is another public house, I suppose? Yes.

What time was it when you got to M'Ilwraith's? It was after 12 o'clock.

Was M'Ilwraith's door shut before you got there? The shutters were all on, but the door was a little open.

The shutters were on the windows? Yes.

How long did you remain there? Till after 1 o'clock.

Did you all come away together? Yes.

Where did you go? Down the street a little: some of us went away: I left M'Lean and Stevenson in the Bridgegate, outside of M'Ilwraith's house.

(Cross-examined by the LORD ADVOCATE)—What time was it when you left the Cross to go to Cameron's? Between 9 and 10 o'clock.

Who was nearest you when you left the Cross, going down? I do not recollect—we all went down in a body—I do not remember who was alongside of me.

Was you near M'Lean as you went down? I do not recollect.

Was he before or behind? He was behind.

Had you been ever in Cameron's before? Not that I mind of.

Was Cameron in the shop himself? I do not remember.

Had anybody charge of the shop? Yes a person of the name of M'Millan.

Does he keep the shop for Cameron? Yes.

Are you sure that Cameron was not there? He might have been there, but I do not mind of seeing him.

Was there any other person besides M'Millan in the shop? It was he that served us with the drink.

(By the Court)—How do you know it was M'Millan, when you was not in the shop before? Because I have seen him since.

(By the LORD ADVOCATE)—Have you ever seen Cameron since? Yes, I have been in the house since.

Frequently? Once or twice.

And you know Cameron by sight? Yes.

Can you not say whether he was in the shop that night? I did not see him in the shop that night.

Did you sit down in the shop? No, I went into the room.

Is there more than one room? Yes.

What room did you go into? A pretty large room.

How was it in the shop?—was it straight before you? I could not say, I did not pay attention to it.

You have been in the shop since? Yes.

Was it in the same room? I could not say.

Can you say whether you went into the same room or not? No, I cannot say.

Was there a table in the room? Yes.

Did you sit in the room? Yes, on a form.

Did you sit near or far from the door? A good bit off from the door.

Who sat on each side of you? I could not say.

Can you say who sat opposite to you? No.

How many sat down in the room? I could not say.

Were there five or ten persons in the room? There would be ten, I dare say, but I could not say exactly, as I did not count them.

Was it a small room or a large room? Middling large.

Would it have held more people—could it have held twelve more? I could not say.

You say there were ten? I think there were ten at any rate.

Where did M'Lean sit? I could not say what part of the room he sat in: he was sitting in the room along with us, but I did not pay attention what part of the room he was in.

Was he opposite you? I could not say.

Was he nearer the door than you? I could not say.

Was he further up the room? I could not say whether he was further up or further down.

You say somebody called him out? Yes.

Did he pass you when he was called out? I could not say.

You say that you went out, did you pass him when you went out? I could not say.

When you came back, did you sit down in the same place you had been in before? I paid no attention to where I sat: I saw him when I came back in the same room.

When he went he returned again, you say? Yes.

Did he go back to the same place? I could not say.

(By the Court)—You swear he was in the room when you went out, and was in the room when you came back, and you swear you cannot say where he was sitting when you went out and when you came in? I could not say; but I know he was in the room.

(By the LORD ADVOCATE)—He brought Finlay in with him, you say? Yes.

Where did Finlay sit? At the foot of the table.

Did he and Finlay sit together? Yes, after they came in they sat at the door; but before that I do not know where M'Lean sat.

Then you say that when he came back you do not know whether he went to the same place as before or not? I do not know.

Do you recollect whether he was sitting next the door before he went out? I do not recollect; but when he came in with Finlay he sat down at the door along with Finlay.

Do you recollect when he came back whether he went back to the same place he was in before? I do not recollect.

You had gone out before him? Yes.

And you came back, and you cannot recollect whether you passed him or not when you came back? No.

Or whether he was at the door then? No.

Who sat at the head of the table? I cannot say; I was almost up at the head of the table myself after I came back.

Were you almost at the head of the table before you went out? Yes.

Then you must have passed every body who was nearer the door than you in going out? Yes.

Do you remember who sat beside you? John Miller sat beside me for a while and John Thom a while.

On which side were they? I could not say on which side.

Were they on your right hand or your left? I could not say.

Did you sit between them? I could not say.

Was there any conversation at the table? Yes, they were tossing halfpence.

Was M'Lean tossing? Yes, and several others of them were tossing.

Who won or lost—did M'Lean win or lose? I do not know.

Was any thing talked about? We were tossing for whisky.

Did you toss any? No.

What whisky had you? I could not say.

Had you one glass? Yes, I had one glass; but I could not say how much.

Had you four, or five, or ten glasses? I had not ten.  
Say, as nearly as you can, how much you had? I could not have more than two or three.

Did you pay any thing? Yes, some little.

How much? I could not say.

Did you pay for yourself alone, or for any other? For myself.

You cannot recollect how much you paid? No.

What did you pay? It was all collected at the table.

Did M'Millan come and get it? Yes.

Did every body pay the same? No, some paid less, and some paid more.

But was the rate each had to pay the same all over the table? Yes.

Did you drink all alike? Most likely we were not all alike: the whisky was sent round the table, and every one had his pleasure of it.

Had you any thing else besides the whisky? No.

Had you any thing to eat—did you take any water among your whisky? I do not remember.

Was any water brought in? I do not remember; but it is most likely there would be water.

Did you drink the whisky out of small glasses? Yes.

Had each a separate glass? No.

Did one glass go round? Yes.

Who proposed to go away first? M'Millan came in and wanted us to go away and said it was 12 o'clock; and we went out two or three minutes after that.

Who went out first? I could not say.

Did you or M'Lean go out first? I could not say.

Can you not say which of you went out of the room first—you or he? I cannot say.

Who went first into the street? I could not say.

Did you pay for the whisky before you left the room, or did you pay for it in the shop? In the room.

Did you see any body in the shop besides M'Millan when you went out? I do not recollect.

Then you went to M'Ilwraith's? Yes.

How far off is that from Cameron's? Not very far.

Did you get any whisky there? Yes.

Did you sit down there? Yes.

How many of you? James Thom, John Miller, John Andrew, Alexander Stevenson, Corrigan, and one Walker.

Who had gone away? A good many of them had gone away.

Had M'Lean not gone away? No, M'Lean was with us.

(By the Court).—Did he join you there, or go in along with you? He went in along with us: it was M'Lean that took us into that house.

And he took you to Cameron's because he was acquainted there? Yes.

And he then took you to M'Ilwraith's because he was acquainted there? Yes.

Had you any conversation in M'Ilwraith's? I do not remember.

Did any person say anything there? I do not recollect anything particular.

Whom did you sit next there? I could not say.

Do you remember where M'Lean sat at M'Ilwraith's? Yes, he sat next me.

Who sat next him? Walker, the man we met with.

Who was on the other side of M'Lean? I cannot remember.

Did you get whisky at M'Ilwraith's? Two half mutchkins.

Did you pay for it? I paid my share of it.

Was there any tossing or spinning of half-pence in M'Ilwraith's? No.

Did any body come out with you at M'Ilwraith's? We came out altogether.

Did you see any body in the house? I saw nobody but the man's brother that belonged to the shop.

Did you all come out at the same door? Yes, the back door.

Did you disperse home immediately? We spoke about five minutes.

And after that you dispersed? Yes.

Did you go home? No, I and John Andrew went to a house.

Where did you go to? To a man's house called Kyle.

Is it a tavern? No it is an eating house.

Did you get anything there? Yes, we sent the man out for a dram.

Did you eat anything there? No.

What time did you go into that house? I could not say exactly—it might be about half-past one o'clock, or near to two.

Did M'Lean go with you? No.

What time did you leave Kyle's? After two o'clock.

Did you go home then? I went over to the Briggend, and stopped there a while, and went home after that.

Was Briggend on your way home? Yes.

You went into a house there? Yes, and stopped a little.

Whose house was it? I forget the man's name.

What time did you leave that man's house? About an hour after that.

Was Andrew with you still? No.

At what hour did you get home? At six o'clock in the morning: I had three miles to go—I had to go to Pollockshaws.

(By the Court)—Did you observe if there was a fire-place in Cameron's house? I did not observe.

Did you observe how many windows were in the house? I did not pay attention.

Is there gas in the house? Yes.

Where was it? I do not recollect.

You saw M'Lean toss half-pence? Yes.

What part of the room was he in? I do not remember what part of the room he was in.

(By the LORD ADVOCATE)—Were there any pictures or prints in the room? I could not say—I do not recollect.

You went back to Cameron's on a subsequent day? Yes.

Who was with you? One Alexander Millar.

Who else? None else: we went by ourselves, and had a dram, and came out again.

Did you see Cameron? Yes, we saw Cameron in the shop then.

(By the Court)—How was M'Lean dressed that night? He had on a dark green coat, moleskin trowsers, and vest, if I am not mistaken.

What kind of hat? A round black hat.

How was Finlay dressed? I do not recollect.

How was you dressed? In moleskin jacket and trowsers.

ANDREW WHITE—(Examined by the SOLICITOR-GENERAL, *in initialibus*)—Was you ever asked to sign any certificate about M'Lean? I was.

When was that? I did not attend to the time.

Do you know M'Lean's father? Not long.

Where did you sign the certificate? In one Stevenson's, in the Briggend.

Who brought it to you to sign? One Thomas Loag.

There were several of you together when you signed it? There were several of us.

Did you all sign it at the same time? Yes.

The certificate was read and in presence of all of you? No, I was not in at the time it was read.

Did you know what you signed? I did: Loag got it from M'Lean's father, and he brought it and asked me to sign it for the satisfaction of M'Lean's friends and acquaintances, to shew that we were with him on the night of the murder of Smith till two o'clock in the morning, or thereabouts.

Did you recollect at that time where you had been with him? Yes.

Did you all agree with him at Cameron's? Yes.

From 10 to 12? Yes, from ten minutes before 10.

And you came down from Cameron's to the Cross,—you all understood that? Yes.

And then you knew among yourselves that you went somewhere else? Yes. This was talked of among yourselves when you signed the certificate? Yes. Is that the certificate you signed? Yes. (Witness identified the certificate.) (By the Court).—You say you did not read it yourself? No, I just put down my name.

But you knew what the object of it was? Quite so.

Loag brought it to you on the part of M'Lean's father? Yes.

(Witness was then removed.)

The SOLICITOR-GENERAL.—My Lords, I object to the admissibility of this witness: here you have the four or five persons who sign that certificate assembled in a room together—you have Loag, who goes there on the part of M'Lean and his father and his friends; and he states to those parties the anxiety of M'Lean's father to obtain a certificate to satisfy M'Lean's friends that M'Lean was in their company during certain hours on the night of the assassination of Smith, for the purpose of establishing an *alibi*. The parties did not merely content themselves with a general certificate in the terms stated, but, as the witness has explained, the whole matter had been gone over in presence of these five witnesses; the whole circumstances from the time of M'Lean's being at the Cross at half-past 9 o'clock, going to that house of Cameron's, and remaining there two hours, and afterwards going to M'llwraith's. I do submit to your Lordships that in a case of this nature, where a party accused gets witnesses assembled together to hear the same story agreed on, and obtains a certificate corroborating that story, it is impossible that they can be admissible as evidence thereafter. The witness had been deputed to go to them with the certificate for their signature; the parties had heard each other's story, and had got instructions what to offer in evidence. Your Lordships may be sure, therefore, in regard to the circumstances in which that was impressed on them, that what they had undertaken to prove was deeply engraven on their memory. These witnesses are, I submit, inadmissible.

Mr. D. M'NEIL.—I should like to have heard some authority or precedent for such a conclusion. I answer this objection first on behalf of the four prisoners, who are not M'Lean, who are committed for murder said to be perpetrated by the hands of M'Lean at a particular time and place. They are in the course of proving that M'Lean was not at that place at that time; and I am told that this evidence is not to be received, because M'Lean's father desired to have this certificate to satisfy his friends and neighbours that his son was in a certain company at the time this deed was perpetrated. I know no authority for the objection even as stated against M'Lean himself. It is this, that certain persons who are known to each other, and who knew that they had been with M'Lean in a certain tavern at the time when the murder of Smith was committed, at the request of another gave a certificate to this effect. This is given by those persons, who, from their rank in life, were not likely to be acquainted with the technicality of courts. No formal recognition took place;—no agent was engaged in the matter; but the parties who were with him in the tavern that night sign this certificate to this effect. I ask if there is any authority that precludes them from giving evidence even for M'Lean? Hunter, Hacket, M'Neil, and Gibb, are not, one or all of them, concerned in the getting up of this certificate, and are they to be precluded from calling these witnesses, merely because M'Lean's father is anxious to get evidence, perhaps not in the most regular way? And is that a reason why the other four prisoners should not be allowed to prove not an *alibi* for themselves, but M'Lean's *alibi*, and it is a good defence for them that he was not at the place at the time when the murder was committed? Though M'Lean was to tell that he was there at the time, and perpetrated the murder, would this be against the prisoners' proving their own case by their own witnesses? I submit that there is not precedent for the objection, even in regard to M'Lean, and certainly no precedent for it in as far as the other prisoners are concerned.

Lord M'KENZIE.—The objection is certainly one of a very important nature,

and it is quite plain that if proceedings of this sort were countenanced, they would have a most injurious tendency. But, considering the nature of this case, and the want of positive authority on the point in question, I rather incline to think that it is the better course to allow this evidence to proceed. The Jury have heard the facts stated, and they will, as they are bound to do, allow these facts to have their just weight in reference to the value of the evidence.

**LORD MONCRIEFF.**—There can be but one opinion amongst us as to the great importance of this question, both in this case, and in law; and whatever decision we come to, I beg to say, that in concurring in opinion with my learned brother, I must not be understood as deliberately delivering a judgment on that objection, as if I had time to consider it with due deliberation. The question before us is, whether this evidence is to be admitted as evidence for M'Lean. Of all cases that can be conceived in the Law, your Lordships must be aware that the case of an *alibi* attempted to be established, is the most difficult in regard to an attempt to contaminate the evidence. We know that the common way in which *alibis* have been attempted to be established, is of this description, parties gathering together and agreeing on a certain story; but this case is new and anomalous in my reading of legal cases. Not content with assembling together, with the view of establishing an *alibi*, these witnesses sit down and write a joint certificate to that effect. It is a most dangerous precedent for general practice in the law; and reserving my opinion in regard to it, I agree that the evidence should be admitted, leaving the Jury to estimate the credit of it in the whole circumstances of the case. The getting up of this certificate has not been traced to M'Lean personally; and though in some degree it has been traced to his father, it is to be observed that the father is the very person who may have done it without interference or communication with the prisoner M'Lean, more probably than any third person. Attaching importance to this objection, I agree with Lord M'Kenzie, that, having no authority stated, and I cannot discover any authority on the question, this evidence should be received, more especially as the case of the other prisoners is involved in it, but received under protestation.

**LORD COCKBURN.**—There is not a shadow of a doubt in this Court, on the subject, the importance of the objection, and the injury to the Law and to justice, in admitting such evidence; but considering that certainly the life of one man, and probably of five men, to be at stake, I am not disposed to say, that in this case the evidence should not be received. But for the sake of the Law, I think myself called on to state that the whole feeling of my mind is strongly against receiving the evidence; and if I felt myself in other circumstances, I would most unquestionably say, that the Law warranted the rejection of such witnesses. In establishing an *alibi*, the minds of witnesses ought always to be left most unconstrained and most untutored. There is nothing in the world so easy to be proved, even if false, as an *alibi*, when the witnesses are prepared and taught what to say. Thirteen or fourteen days after this crime is committed, when one of the prisoners is under hiding and accused of that offence, some person acting for him, gets individuals into a room together, and there a certificate is prepared, and they are all tied down what to say, in expectation of a trial; and when this certificate ties them down to the fact that the prisoner was in the place at a certain time, is it to be expected that you can get from them free and unconstrained evidence? If I were obliged to decide this matter as at present advised, I would say that the Law required and demanded the rejection of this evidence. In admitting this evidence, it is understood that it is but barely admissible, admissible *cum nota*. What reliance can be placed on the testimony of witnesses to prove an *alibi*, tied down to a particular statement, a fortnight after the time condescended on? The admissibility of the evidence is with the Court: the credibility of it with the Jury. I think it is evidence of the lowest grade, I ever saw.

**THE LORD JUSTICE CLERK.**—On the grounds expressed, I am of opinion, that we ought not to reject this evidence; but I must concur in the observation made

by Lord Cockburn, that it is impossible for us to withhold from the Jury, that when we admit it, it must received *cum nota*, and with great caution and circumspection. I have no difficulty in saying, that in the whole course of my experience on the bench and at the bar, I never saw an instance of an attempt to prove an *alibi*, where so extraordinary an appearance was made, as has been presented to us this day. Here is a party tying themselves down to speak to a certain period of time, from 9 o'clock at night, till 2 o'clock in the morning, signing a certificate, and at the same time, as has been admitted by the last witness in his examination in *initialibus*, the whole of those individuals who signed the certificate, talking over the matter. I say it is impossible that evidence in support of *alibi*, can come forward with greater contamination than attaches to this. It is from the way and manner in which the certificate is got up, and the way in which these parties talked over the whole matter, and arranged what they agreed to certify, that that contamination lies upon it. The other prisoners being charged art and part, must stand or fall by the validity of the evidence that is adduced. On the grounds stated, and being satisfied that the evidence will be well considered by the Jury, I agree with your Lordships, that under all the circumstances, it is better that the evidence should be received.

(Witness was then recalled and examined by Mr. ROBERTSON)—You recollect the night Smith was shot? Yes.

What day of the week was it? Saturday.

You know M'Lean? Very well.

Did you see him that night? I did.

Where did you see him first? In the green.

What time of night was it? Between 8 and 9 o'clock.

What were you doing there? We met there to get our aliment.

You were on the strike? Yes.

Were you doing anything on the green? We were passing the time putting a stone.

Did M'Lean join in the putting of the stone? He did.

Can you tell us any of the other people that were there? William Lockhart, John Millar, one Thom, Alexander Stevenson, James Green, James Corrigan, John Stark.

Did you leave the Green? We went from the Green, down London-street, to the Cross.

What sort of an evening was it? A little wet.

What was your purpose in stopping at the Cross? Hanging about till the men should come out with the aliment.

Who was to bring the aliment? William Johnston, and James Jaffery, and John Stark.

I thought Stark was in the Green with you? So he was, but he went for the aliment.

Did you remain long at the Cross? Five minutes or so.

How was M'Lean dressed? A kind of green coat, dark moleskin trousers, and a black hat.

Where did you go after you left the Cross? Down the Saltmarket, to one Angus Cameron's, a change house.

Did you all go down together? Yes.

How long did you remain in Angus Cameron's? Until such time as his man, John M'Millan, came and told us it was past twelve, and time to go out.

What were you doing while there? Enjoying ourselves over a dram.

Were you amusing yourselves in any other way? Tossing pennies for a dram.

Did M'Lean toss? Yes.

Was he out during the time he was there? Yes: a person the name of Peter Finlay called for him.

Did Finlay come in? He did.

How long was M'Lean out? Just passing a moment or so: he went to the door and pushed Finlay in.



With that exception, was he in all the time? Yes.

Where did you go after you left Cameron's? Down Miller's-place, into King-street, and so to the Bridgegate.

Where did you go to there? To one M'Ilwraith's.

Who were all there? Corrigan, Miller, Lockhart, Walker, myself, and M'Lean.

Did you meet any body in going from Cameron's to M'Ilwraith's? Yes, Walker—he joined us and went with us to M'Ilwraith's.

Had you any drink in M'Ilwraith's? We had.

How long did you remain there? Half-an-hour or so.

Did you come away together? Yes.

Did M'Lean come away with you? He did.

Where did you go to after that? We remained in the Bridgegate a while, and we parted there, and I went home.

Where did you live? In the Briggend.

Did you go home? I did.

What o'clock was it? After one o'clock a good while—about half-past one.

Had you been in company with him from the time you were in the Green till then? With the exception of the short time he was out of the room in Cameron's till we parted at the Bridgegate.

Had you seen Loag that night in the Green? Yes.

Did you part with him there? I did.

What sort of room was the room in Cameron's house? A room with a table and two forms in it, lighted with gas.

You told us about the certificate you had signed—did you put your name to it at the same time with the others? Yes, we all put our names to it after one another.

Who asked you to do it? Loag asked us to do it, because M'Lean's father asked it as a favour.

Did you remember distinctly before you signed the certificate, all that you have told us now? Yes.

(Cross-examined by the SOLICITOR-GENERAL.)—What o'clock was it when you left the Cross? It wanted about 10 minutes to 10 o'clock.

And you went all down to Cameron's? We did: I walked down with John Miller, if I recollect rightly.

Did you see who M'Lean walked down with? No, I paid no attention.

Did you find him in the house when you went in? He was there before me.

Where is the room you were into situated in Cameron's house? *Ben a wee bit* lobby, and just off to the right hand.

How many rooms are in Cameron's house? I cannot say—I have been in two of them: I cannot say whether there is more or not.

Do you go from the street into the shop? Yes.

Did you go straight through the shop into the lobby? Yes.

Where was the table? On the middle of the floor.

And the forms on both sides of it? Yes.

How many were there of you altogether? I think there were nine altogether; at least, I think, all that I mind of.

Did you all sit down? All sat down.

It is a small room? Yes, a small room.

Where did M'Lean sit? At my right hand.

And where were you sitting? On the left hand side of the room as I went in.

Who was at the head of the table? I could not say.

Were you next the door? Yes.

Where was Lockhart sitting? About the head of the table, if I recollect rightly.

Who was on the other side of M'Lean? I could not say.

There was nobody on your left hand? No.

How did you spend the time? Making diversion among ourselves; pitching a penny on the table.

What had you to drink? Whisky.  
 Any thing else? No.  
 Anywater? Yes.  
 What was the whisky served in? In a half-mutchkin stoup.  
 How many glasses were on the table? Just one glass.  
 How many glasses of the whisky had you yourself? I could not say.  
 Where was the gas light? I think in the middle of the room.  
 Did the branch come from the roof? Yes.  
 What part of the room is the door in? At the one end.  
 Was it in the middle of the end, or on the one side of it? On the left side as we go in.  
 Do you remember where the window or the fire is placed? The fire place is in the far end of the room, and the window is near the fire.  
 Is the room a small room? It is a small room; it held us, but that was all.  
 Did you go out of the room at any time? I went out to make water, but came in again immediately.  
 Did any body come in to join the party? Nobody but Finlay; he came in, and went out again.  
 Who brought him in? M'Lean.  
 At what hour? Near to 11 o'clock.  
 Was Loag there? No, I do not mind of him.  
 Did Finlay and M'Lean come in together into the room? Yes.  
 You do not recollect who was on M'Lean's other hand? No.  
 You do not know where Finlay sat? No: I do not think he sat down at all—he just tasted, I think, and went out again.  
 Who tossed for the drink? We mostly all tossed for it.  
 Who did not toss? I could not say.  
 Did M'Lean toss? Yes, he tossed with me at one time.  
 Did you toss with Corrigan? I could not say.  
 Did you toss with Lockhart? No, but I mind of tossing with Grieve.  
 Did you see Corrigan tossing with anybody? No.  
 Did they not all toss? Some did not.  
 Had you anything at all to eat? No.  
 Nothing at all? Nothing but a bit biscuit or cake with the dram.  
 Were spirits brought in several times? Yes.  
 Did you see Cameron himself there? I did not see him at that time.  
 What did you talk about? I could not say.  
 Were you speaking about the strike? I do not think we mentioned it.  
 Had you and M'Lean no conversation together about anything? No.  
 You remember nothing but the tossing and the drinking of the whisky, and the bit of biscuit? There was some speaking up and down, but I do not recollect what it was about.  
 Did any one sing? M'Lean sung a song.  
 Do you remember what song it was? I do not.  
 Do you remember the air or the words of it? No.  
 Was it a funny song? Yes.  
 Do you remember the first line of it? No.  
 He was sitting next you? Many a one sits next me and sings a song that I do not remember a word of next morning: a song is a thing that I pay little attention to.  
 Did he sing one song or two songs? I do not remember; but he sung one.  
 Was this before Finlay came in? Yes.  
 Who went to M'Ilwraith's? All of us, except Grieve.  
 Was the shop open when you went? The shutters were on the windows, and the door was a wee bit open.  
 Did you remain in the shop, or go into the room? We went into the room.  
 Was there a fire-place? Yes.  
 Was the room lighted with gas? Yes.

How was it lighted? It was hanging from the roof.

What had you in M'Ilwraith's? Two half mutchkins.

Any biscuits? Yes.

Was there a table in the middle of that room? Yes.

And forms round it? Yes.

Where did you sit there—beside M'Lean? I do not recollect who was sitting beside me.

Where was M'Lean sitting? At the far end of the room, I think.

What size of a room is it? A good lump larger than the other.

Who walked with you from Cameron's to M'Ilwraith's? I could not say.

Was M'Lean before or behind you? I do not know.

Had M'Lean got into Cameron's by the time you got in there? Yes, I think so.

Who went first out of Cameron's? I do not recollect.

What o'clock was it when you left Cameron's? Past twelve o'clock.

Who told you? M'Millan told us.

Was there a clock at M'Ilwraith's? No.

Had any of you a watch? No.

Then you knew it was past twelve only from him telling you? Yes; and we knew it from all the shops being shut round about.

And you all went to M'Ilwraith's except Grieve? Yes.

Do you remember if the forms were fixed to the floor, or were loose in their places? If I recollect rightly, they were fixed to the wall in Cameron's.

Do you remember how Corrigan was dressed? He had a round-about grey coat, and moleskin trousers.

(By the Court)—I think you said that you remember distinctly before you signed the certificate all that you have told us? Yes.

Now, what do you say to its bearing [here his Lordship read the certificate:] you have sworn that when you got home to the Briggend it was about half-past 1 o'clock? There the line is signed wrong: M'Lean was not in my company till two o'clock in the morning.

You got home at half-past 1? Yes, I would not take above five minutes to go home, and it was about half-past 1 when I got home.

When did you hear of M'Lean being suspected of Smith's murder? Not till he was laid up.

And when he was apprehended, you knew that he could not be guilty of it? Yes.

And did you ever think of giving that information to any of the authorities? No, I did not, but the authorities sent for me.

(By the SOLICITOR-GENERAL)—You were a member of the Association? Yes.

(By the Court)—Had you been in M'Lean's company about that time at late hours? No, except that night.

Is there any particular circumstance that fixes it positively in your mind that it was on the 22d of July that M'Lean was in your company? It was at the time of the strike, and I knew always the day of the month.

Does that make you positive that this was the particular night he was in your company? Yes, because it was next morning I heard of Smith being shot.

How had that to do with M'Lean? I never connected the murder of Smith with M'Lean at all, till the night he was apprehended, and then I recollected it happened on the night he was with me.

At the time you signed that certificate, was M'Lean put up or not? I think he was.

Now, observe what you have said: the certificate, is dated 3d of August; and we have it in evidence that M'Lean was not apprehended till the 6th of August: how did you come to connect M'Lean with that murder before he was in custody? I could not be certain whether he was laid up or not at the time we signed the certificate; but I thought he was, because they were asking me about it: Loag asked me to sign it.

Did Loag inform you he was in custody—what did he say to you to make you sign the certificate? He wanted us to sign it to satisfy M'Lean's friends and acquaintances that he was with on that night.

For what purpose? We were speaking about Willie at that time, and I heard from Loag that he was suspected of it.

When he asked you to sign the certificate, did he state to you that it was to shew that M'Lean did not commit this crime? Yes.

How did you happen to be all met together at the time you signed it? It was the day in which the strike was settled.

Were there any other persons there but yourselves? Yes: the room was filled with spinners.

Then the room was full of spinners, and they saw you sign it? Yes.

And you said, at the beginning of your examination, that the matter was all talked over where you signed it? Yes.

It was talked over in that room? Not talked of in that room—we all knew it.

I have it in your own words that it was talked over—I ask you again if it was there talked over when the room was full of spinners? It was talked partly over, but not all.

Had you any appointment to meet with those who signed it along with you? No.

Had you come together by accident? No: we had occasion to be there—it was on the occasion of the settlement.

Did you know anything of it till Loag came? No.

How many spinners were there? I could not say—all the spinners that wrought in the shop that I wrought in, the Adelphi, were there.

And all you five that signed it, belonged to that shop? Yes.

You said you never heard he was suspected before he was taken up—now, how do you reconcile this with your other answers? We never spoke about it.

Mr. ROBERTSON here stated to the Court, that he and his learned friends who acted with him, had not determined whether they would lead more evidence on the part of the prisoners, and said that if the Court agreed to adjourn now, should they examine more witnesses, none should be called who had not been inclosed.

The LORD JUSTICE CLERK said, certainly the Counsel should have till to-morrow to determine as to this, upon the condition that the witnesses whom they might think it expedient to examine, should be inclosed.

The SOLICITOR-GENERAL said, that as the criminal letters were running letters, and expired on Thursday, it was necessary, since the motion for adjournment had come from the prisoners' Counsel, that the letters should be considered as ceasing to run.

The LORD JUSTICE CLERK said, that the proper mode was to deduct the intervals of adjournment from the date of the letters.

This was agreed to by the Counsel for the prisoners; and the Court adjourned at half-past ten o'clock, till next morning at ten o'clock.

## SIXTH DAY—TUESDAY, 9th JAN. 1838.

### *(Exculpatory Evidence—continued.)*

JOHN MILLER, Cotton Spinner—(Examined by Mr. ROBERTSON)—You are a cotton spinner? Yes.

You remember the night Smith was shot? Yes—on a Saturday night in the month of July last.

Where were you that night? I was in Glasgow that night.

Did you see M'Lean that night? Yes.

Where did you see him first? At Nelson's monument, in the Green.

What were you doing there? We were met there for the purpose of receiving our alimant.

Were you amusing yourselves in any way? Yes, putting the stone.

Do you remember who were there besides M'Lean? I suppose there were about 100 there.

Where did you go? We went to the Cross from the Green.

What sort of evening was it? A soft evening—wet.

Where did you go from the Cross? We went down to one Angus Cameron's, in the Saltmarket.

Who were the party that went to Cameron's? Andrew White, William Lockhart, Alexander Stevenson, James Corrigan, James Grieve, John Thom, John Andrew, William Hannah, and myself.

Was M'Lean there? Yes.

How long did you remain in Cameron's? We went there about half-past 9 o'clock.

And how long did you remain there? We went out about a quarter past 12 o'clock.

What were you doing in Cameron's? We went in for the purpose of getting a refreshment.

What did you get? Some spirits.

Were you doing anything else besides getting the spirits? Yes, tossing half-pence.

During the time you were in Cameron's, did any body go out? Yes, William M'Lean went out once.

How long was he out? Two or three minutes at the most.

Did any body come in? Yes, Peter Finlay and John Buchanan.

Was it that time he went out? Yes, they called on him.

You say that when you left Cameron's it was a quarter past 12? The waiter came in twice or thrice, and told us it was past 12 o'clock.

(By the Court)—Did he desire you to go out? Yes.

(By Mr. ROBERTSON)—Who is he? He is here—I forget his name just now.

Would you know it if you heard it? Yes, I think I would.

Was it M'Millan? Yes.

Did you all go out together? Yes, we went to the opposite side of the street, and we met a man—one of our shopmen—one James Walker.

Where did you go next? Through Miller's place and down King-street, and went into one M'Ilwraith's, in the Bridgegate.

Who were all in M'Ilwraith's? The most I mentioned were there: I think all were there except Grieve and Hannah.

Was M'Lean there? Yes.

How was he dressed? He had on a dark green coat, moleskin trousers, and a black or dark waistcoat, to the best of my knowledge.

What kind of hat? A black hat.

How long did you remain at M'Ilwraith's? They were crying past one when we came out of M'Ilwraith's.

Had you drink at M'Ilwraith's? Yes.

Where did you go after you left M'Ilwraith's? We came out of the door, and stayed a little in the street.

What did you do then? We separated after that.

Where did you go after that? I went home.

Where do you live? In Pollockshaws.

(Cross-examined by the SOLICITOR-GENERAL).—Did you walk down with M'Lean from the Cross? Yes.

You yourself? We were all in a body.

Who walked first? I could not say.

Was William M'Lean first? I could not say William M'Lean was first.

Were you immediately behind him? Yes.

Who came into the house after him? I came in after him, but I do not know whether I was next to him or not: we were sitting in a back room.

How many rooms are in the house? I do not know: I never was in it but that night.

How did you go into the room? We went through the shop into it.

The room opens into the shop? It is a little back from the shop.

Is it to the right or left hand? To the right hand, I think, to the best of my knowledge.

Is it a large room? Not very large.

How is it to the room in M'Ilwraith's? I think there is very little difference between them in size.

How is it lighted? With gas.

Where was the burner? I do not recollect whether it was in the wall or above the table coming down from the roof.

What furniture was in the room? Some forms and some chairs in the room.

Were the chairs at the table? The table was all seated round.

With chairs and forms? Yes, I think both of them were in the room.

Who sat at the head of the table? I do not recollect; we were often changing backwards and forwards.

Where did M'Lean sit? He sat opposite to me before he went out, but I do not know where he sat when he came in again.

Where were you sitting? On the seat next the door.

On which hand? On the left side of the room.

Was it on a chair or bench you sat? On a bench, I think.

Who sat on your left hand? I do not recollect.

And were you all tossing? Yes.

Did you toss? No.

Did all the rest toss? Yes, the general part of them—I do not recollect if all tossed.

Do you recollect any of the rest who did not toss—who was the other that agreed with you in not tossing? I was not paying particular attention—some of them were tossing at one time and some at another: I did not pay any particular attention.

What were you talking about? On different subjects.

Can you tell me anything you talked about? No.

Were there several songs sung? There was no song sung, that I mind of.

(By the Court)—Are you certain of that? Not to my knowledge.

(By the SOLICITOR-GENERAL)—M'Lean was out about two minutes—what time was he called for? When the man came in that called him, he said it was near 11 o'clock.

Buchanan came in too, did he not? Yes, both came in together.

They sat down? No.

Neither of them? No.

Did they go out immediately—how long did they stay in the room? Not many minutes.

What had you? We were drinking spirits at the time—whisky.

How was it served? We got in half-a-mutchkin at a time, and one just helped his neighbour.

How many crystal glasses had you? We had only one glass.

Had you anything with your whisky? No, I do not recollect.

And it was a quarter past 12 o'clock when you left? Yes.

Who went first out? I do not recollect that.

Did you see M'Lean go out—did he walk with you to M'Ilwraith's? I do not recollect whether I was walking close by him or not.

Did you come all to M'Ilwraith's at the same time? Grieve and Hannah were not at M'Ilwraith's, all the rest came at the same time.

Who went first into M'Ilwraith's? William M'Lean, and the rest followed him.

How long were you going to M'Ilwraith's after leaving Cameron's? It could not be 5 or 6 minutes.

Do you remember what part of the room the door was in Cameron's? I think it was on the right hand side of the lobby.

But what part of the room—was it in the side of the room? The door was at the end of the room—it was like into one corner of the room.

Which corner? I could not rightly tell.

How was it placed—was it on the right or left as you entered the room? The door was at my right hand when I sat down.

Who was on your left hand? I do not recollect.

Do you remember where the fire place was? There was no fire in the room, and I did not notice any fire-place.

Was there a fire in M'Ilwraith's? I did not notice a fire.

Did you see where the window was in Cameron's? The room was lighted with gas: I did not notice any windows.

Had you any thing at M'Ilwraith's but spirits? No.

How long had you remained at M'Ilwraith's? They were crying past one when we came out.

When did you go in? About 20 minutes after 12 o'clock: we did not put off much time on the road.

What led you to remember this party on that Saturday night in particular? I paid no particular attention to the night till I heard that William M'Lean was apprehended.

When did you hear that? I think it was a fortnight after that, that I heard it.

Are you a spinner? Yes.

What shop do you belong to? I was with Mr. Thomson when we struck.

Do you remember when the strike was settled? I forget just now.

Did you attend a meeting of the shop after the strike? I never attended a meeting of the shop after: there were meetings every morning, but I was at very few of them: I went to the country, where I am at present.

You were not at the meeting when the strike was settled?—were you at the shop meeting at which the settlement of the strike was reported? Yes, I recollect being at that meeting.

What do you mean by the settlement of the strike? When the strike gave way.

That was done by a general resolution of the Association? Yes.

And that was reported to each shop? Yes, each shop appointed men to go to their masters.

Do you remember what that night was? I do not recollect.

(By the Court)—Where did the meeting of the shop, where this was reported, take place? The shop that I belonged to met on the Green.

(By the SOLICITOR-GENERAL)—Did White belong to your shop? Yes.

Did the shop not meet at Stevenson's? I was not at the meeting in Stevenson's at all.

Did you know of it? I heard of it afterwards.

How long after? I do not recollect whether it was the next morning or not.

Who first spoke to you about this party on Saturday night? I came into Glasgow on a Monday after breakfast, and met in with Mr. Thomson's spinning master, Mr. M'Intyre: he cried me back and told me M'Lean had been apprehended for the murder of Smith: I told him it was impossible he could be apprehended for it; for he had been with me.

Did you tell him all you told us to-day? No, he was coming from his breakfast, and I did not stop with him: he told me he was apprehended: I told him it could not be: the moment he mentioned it to me, I recollected that M'Lean had been with me.

What day of the month was it? It was the second Monday after Smith was shot, but I do not recollect the day of the month.

Who walked to M'Ilwraith's with you? I do not recollect.

You separated and went home? Yes, after we came out of M'Ilwraith's.

(By the Court)—You are sure you knew M'Lean at that time? Yes.

Had you known him before? Yes: I have known him these two or three years.

Were you well acquainted with him? Yes, I was very intimate with him.

Were you a member of the Association? Yes.

Did you ever see M'Lean write? Yes.

You know his hand? I could not say I would know his hand, but I have seen him write.

Look at that—(the line found on him when apprehended)—is that like M'Lean's hand-writing? I think M'Lean has a better hand than that.

But is that like his writing? No, from the write I have seen him write, he is a very good writer.

Whose handwriting is that—(No. 25 of inventory)—do you know the hand? No.

Was you ever asked to sign a certificate that M'Lean was in your company? No.

Do you know M'Lean's father? Yes.

(By the SOLICITOR-GENERAL)—You do not know that hand that was last shewn you, at all? No.

(By the Court)—Did you see Cameron, the master of the house, when you were there? Yes.

Did he come into the room? I do not recollect.

Where did you see him? I think I saw him when I went in first.

Where? I do not know particularly what part of the house: I am not certain whether I saw him when I went in or not; but I am mostly sure I saw him that night, but in what part of the house I am not sure.

Do you recollect how much you had in Cameron's? No.

Or what you paid for it? It cost me 5½d. in Cameron's, as my share.

Who did you see in M'Ilwraith's? I saw no person in M'Ilwraith's, except M'Ilwraith's brother.

It was he that served you? Yes.

Had you been in M'Lean's company at other periods, about the same time that Saturday? It was some time before that.

You recollect quite well that that Saturday you are speaking off, is the Saturday on which universal report stated Smith was shot? Yes.

Mr. ROBERTSON.—I think your Lordships, in shewing the line No. 25, shewed the copy to him without shewing the names.

The Court.—Yes.

Mr. ROBERTSON.—Of which your Lordships will be kind enough to take a note.

LORD JUSTICE CLERK.—Certainly, the witness saw the whole of the copy; but the names were folded down so that he could not see them.

JAMES GRIEVE, Cotton-Spinner—(Examined by Mr. ANDERSON)—You are a cotton-spinner? Yes.

You remember the night Smith was shot last summer? Yes, on a Saturday night.

Do you remember the day of the month? The 22d July.

Were you in the Green that night? Yes.

What time did you go there? About half-past 8 o'clock.

What did you go for? I went to get my aliment.

You were a turn-out cotton-spinner? Yes—I was in the strike at the time.

(By the Court)—Were you a member of the Association? Yes.

(By Mr. ANDERSON)—A good many were along with you? Yes.

Do you remember the names of any of them? A great number; M'Lean was there, Lockhart, White, Millar, and a great number.

What time did you leave the Green? About half-past 9 o'clock.

Where did you go to? We went to the Cross.

Where did you go to from the Cross? To one Angus Cameron's.

What sort of a night was it? It came on a little rain, that was the cause of us leaving the Green.

Who went to Cameron's with you? I remember the most of them; M'Lean, Millar, Lockhart, Stevenson, Jaffray, Hannah, White: I do not recollect the names of any more.

Was Andrew there? Yes, Andrew was there.



What time did you get to Cameron's? It was 20 minutes to 10 o'clock when we went to the Cross, and it might be 10 minutes or a quarter from ten o'clock, when we went in.

How long did you continue in Cameron's? Till after 12 o'clock.

What were you doing? Drinking spirits.

Did any one go out during that time? M'Lean went out.

How long was he away? He was not exceeding 2 minutes.

What made him go out? One Peter Finlay, and one John Buchanan, called on him at the door, and he brought them in with him.

What time might this be? It was shortly before 11 o'clock.

How do you know it was that time? I thought it from the time we went in.

Did they sit long? They just came in and asked who had the aliment: we told them, and they got a dram of whisky and then went away.

How long might they have been in the room altogether? Not passing 5 minutes, as I think.

Did M'Lean go with you when you went out of the house? Yes.

This was a little after 12 o'clock? Yes.

Where did you go to after that? I went home—I parted with them there.

You did not go to M'Ilwraith's? No, I did not.

Where did you stop? I stopped at Tradeston.

What time did you go home? I had not gone far, when they were calling half-past 12.

You distinctly remember hearing the hour called? Yes.

(Cross-examined by the LORD ADVOCATE)—You are a cotton-spinner? Yes.

What mill do you belong to? I have not wrought for some time past: it is about 18 months since I wrought.

What mill did you work in? In Thomson's when I wrought last.

Did you attend the meetings of Thomson's shop during the strike? Yes, during the strike, but none before.

Did you attend the meeting of the mill when the strike was made up? We had a meeting first in the Lyceum rooms, and Thomson's mill met at Stevenson's in Hutchesontown.

How came you to go to that meeting when you were not working at the time? I was on aliment at the time of the strike.

What made you leave Thomson's mill? I was in bad health.

You say you went down to the Cross at 20 minutes before 10 o'clock, and when you left the Cross, at about a quarter or ten minutes to 10 o'clock, you went with the rest to Cameron's—was M'Lean before you or after you? We were all together, but M'Lean like walked foremost.

Were you near him? Yes, just at his back.

You are well acquainted with him? I have been acquainted with him for 18 months or better.

When you came to Cameron's, did you see Cameron in the shop? No, not when I went in, but I saw him when I had remained in a little while.

Where did you see him? He came in with change into the room.

Who did he give the change to? To William Johnstone.

Do you remember if he said anything when he gave the change to Johnstone? I could not say, I do not recollect of him saying anything.

Do you remember if he took a little whisky after he came in? No.

Did he come in afterwards? He came in afterwards with some drink.

To whom did he give the drink? He put it down on the table.

Did he say anything then? No, he went away.

Did you see him in the shop after that, when you went out? No, I saw none but his man, and a woman, and a man getting drink at the counter.

What is the shopman's name? I cannot recollect—I cannot tell his name: I have seen him here.

Have you seen Cameron here? No.

You know Cameron by sight? Yes.

Have you ever spoken to him? Yes.

More than once? Yes.

Had you been in his house before? Never before, but I have been in it since.

Often? Twice, I think.

When you were in it since, were you in the same room you were in that night? No, in another room.

How did the room you were in enter from the shop? You went through the shop: one room faces you, and the other enters on the right hand side: we went into the room at the right hand side.

How is the door placed? At one end of the room.

Is it in the middle or in the corner of the room? At the one side.

Where did you sit? In the middle of the room.

There was a table? Yes.

What did you sit on? On a form.

Were there chairs in the room? I think there were chairs.

Where did M'Lean sit? He sat right opposite me.

What was said or done when you went there? We were cracking different ways—we began tossing for gills—jeering in sport, and so on.

Do you remember anything of the conversation? We were talking of our neighbours: mostly all our talk was about one man—one James Swinnie—we were talking about him being so ill-natured when at his work.

Were you talking about the strike? No.

Do you remember anything M'Lean said or did? He was toasing along with the rest of us.

Did you toss? Yes.

Did M'Lean talk about Swinnie? I did not hear him.

Do you remember anything he said or did? He was tossing along with the rest of us—I could not say what words passed, but we were all talking together.

Where was the window of the room, or had it a window? It is most likely it would have a window, but it was shut up: I never was in the room before, and have not been there since.

Had it a fire-place? I did not observe a fire-place either, there was no fire on.

Did you sign that certificate? (shews witness) Yes.

Did you read it? I heard it read.

Will you read it now? I am not good at reading write.

Hold it in your hand while I read it to you—(here the Lord Advocate read it)—is that what was read to you? Yes, but I am not correct about the two hours, I was only in his company till about 12 o'clock.

Who read it to you? One Thomas Loag read it, and asked us to sign it.

Did he explain the purpose of it? Yes.

When was it that he brought it to you? That day of the settlement.

Was that the night you spoke to him at Stevenson's? Yes.

Was that the 3d of August? I do not know, but it was at that meeting.

What day of the week was it? It was on a Thursday.

Had you heard anything about it before? No, till the line was brought in.

Who were present when it was brought in? Thomas Loag, William Johnston, John Thom, Andrew White, James Corrigan,—I could not name all those who were there.

How many people might there be there? Twenty or more.

(By the Court)—Was John Miller there? I could not say.

(By the LORD ADVOCATE)—Did Loag explain in their presence what was the purpose of signing it? Yes, he said that he had seen M'Lean's father, and he had asked him if we would sign the line to satisfy the neighbours and his friends that William was in our company that Saturday night.

Why was it necessary to satisfy the neighbours? He told us that William M'Lean had left the town at that time, and it was to satisfy the neighbours and friends that he was in our company that night, and that it was not him that committed the *depredation* that night.

What *depredation* was it? The shooting of Smith.

Did he say anything of his being accused of beating a Mr. Miller of Lancefield?  
No.

Had you before heard that any body suspected M'Lean of shooting Smith?  
No.

Was that before M'Lean was apprehended? It was before M'Lean was apprehended that the line was brought in.

How long before? I could not exactly say how long before.

Many days? I do not recollect.

But are you sure it was before? I am sure it was before.

Did you not object to sign that he was in the company till 2 o'clock? I objected to that: but his remaining in my company till 12 o'clock, was the cause of my signing it.

(By the Court)—When you objected, did Long say anything about it? He said when I was in his company till 12 o'clock I might sign it.

Did any other body say anything? Andrew White was not for signing it at all—he did not sign it, but he ordered another man to sign it for him.

What was his objection to sign it? I could not say.

Who signed it for him? John Tom.

Did John Thom sign for himself, or did White sign for him? John Thom signed for himself and White both.

The LORD ADVOCATE.—The upper part of this paper is not signed by any body. It is in these words—"This is to certify, that William M'Lean was in my house from 10 o'clock, P.M. on Saturday, till 12 o'clock," was that read? Yes, it was all read together: this is the part I should have signed.

But you signed till 2 o'clock? But I told you I was wrong two hours: he was just in my company till 12 o'clock.

Did any person sing when you were at Cameron's? I could not recollect whether there were any songs or not.

(By the Court)—Who proposed going to Cameron's? M'Lean.

Did he appear to know it before? Yes, he appeared to know it.

Where did you sit yourself, at Cameron's? About the middle of the room.

Was the matter talked over about your being in Cameron's? It was talked over about us being in Cameron's that night.

You said there were a number of persons there besides those who signed the paper—did any of them take any part in that conversation? They said it was but right we should sign the paper, when we were in his company that night, to satisfy his friends.

Did that make any impression upon you to lead you to sign it? I dare say it might.

Can you name any of the persons that spoke about it? I think John Stark spoke about it for one: I remember of them speaking about it, but I cannot recollect all who spoke about it.

Had the persons there belonging to the Adelphi work belonged to the strike? Yes; and had been in the strike.

And were members of the Association? Yes.

Were any persons in the room that were not members of the Association? No, I do not think it.

PETER FINLAY, Cotton Spinner—(Examined by Mr. H. G. BELL)—Do you remember the day Smith was shot? Yes.

On a Saturday? Yes, the 22d July.

You are a cotton-spinner? Yes.

Had you occasion to call that Saturday evening at the shop of Angus Cameron? I had.

In going there did you meet any one who went with you? Yes, John Buchanan.

About what hour was it when you called at Cameron's? Between 10 and 11 o'clock; to the best of my knowledge it would be about that time.

Did you ask for M'Lean? I first asked for one William Johnston: Angus

Cameron went in to see, and came out and said he was not in; he told me he had gone out about three or four minutes before: Buchanan asked for one John Stark: Cameron went in the second time to see, and he came out and told Buchanan that he was not in,—that he had gone out three or four minutes before we called: Angus told me M'Lean and others were in; so I told Angus to tell M'Lean to come out.

Did he come out? He did.

What did he say when he came out? I do not remember the words that passed: we were no time at the door; he asked us in.

Did you go in? We did.

Had you a dram when you went in? There was a half-mutchkin stoup on the table: M'Lean looked and it was empty, and he called for another, and we had a dram.

Did you leave Cameron's after that? I remained about half an hour altogether in the house.

(By the Court).—In that company? Yes.

(By Mr. BELL).—Did you leave them? I did.

Did you leave M'Lean and the other spinners in the house? Yes, I left him and about 8 of them.

(Cross-examined by the SOLICITOR-GENERAL).—Who brought in the spirits that M'Lean called for? I do not know whether it was Angus Cameron or his man.

(By the LORD ADVOCATE).—What was said during the half hour you were there? I do not recollect the whole that was said: a lad and I had some talk ourselves.

Who was he? Grieve.

What about? When I went in I had not got my aliment, and Grieve considered that I should have paid a share of the half-mutchkin.

Where was M'Lean sitting? I think there were four between him and me.

You were sitting? Yes.

Was Buchanan sitting too? Yes.

Where was M'Lean sitting? As I entered the room door he was sitting exactly across the table almost opposite the door.

And he remained there after you sat down? He did.

(By the Court).—You sat near the door? Yes.

(By the LORD ADVOCATE).—Was any body between you and the door? No; as I entered the door I sat down on the left hand; M'Lean was on the opposite side.

Do you remember any thing that passed? There may have been a few words, but I do not recollect.

Was there any tossing of halfpence? I believe it was past before I went in.

(By the Court).—When you came out of Cameron's where did you go? I went down the Saltmarket alongst Hutcheson's Bridge.

Where did you part with Buchanan? At the corner of Crown-street.

What time might that be? About half twelve.

Are there any particular circumstance that fixes it on your mind that this evening you called at Cameron's was the very evening, the 22d of July? There was: William Johnston had to lift our aliment, and I called there for my aliment, and I remember it was the 22d of July.

How often was the aliment paid? Once a-week.

And it had been paid regularly on the Saturday night? Not regularly, but generally on the Saturday.

Had you been a spinner in the Adelphi? Yes.

Were you a member of the Association? Yes, I was.

Do you remember the settlement of the strike? I cannot recollect.

When did it happen? I think on the 3d of August.

Were you at the shop meeting that night? I do not remember.

Were you at Stephenson's that night? I am not certain.

Was that not the place where the shop used to meet? Sometimes we were there, but we were not regular.

Was there on that day first of all a general meeting in the Lyceum rooms? I could not say.

Was you not at a meeting in the Lyceum rooms? No, I was not.

Were you present at any meeting of the shop when it was proposed that certain persons should sign a certificate in regard to the evening of the 22d? I do not know.

Were you present when certain persons signed? I do not recollect.

You know Miller and Loag? Yes.

Now, were you present or not present the night on which a proposal was made to sign a certificate in regard to the 22d of July? Oh! you are referring to the 22d?—yes, I was present on that evening.

And the certificate was relative to William M'Lean? Yes.

Where was that meeting? In that house—Stephenson's.

Was it on the 3d of August? I could not say the date.

Was it not upon the day the strike was settled? I am not sure of that.

Was Buchanan there? I do not know whether he was there or not.

Did John Tom sign that certificate? I think he did.

Did you hear any body refuse to sign it? Not to my knowledge.

Who brought it to the meeting? Some of the men, but who it was I could not say.

Did any at the meeting urge the men to sign it? No, I did not hear any thing about it.

Was there a person of the name of Stark there? I am not sure: he may have been there, but I am not sure.

Did Stark speak about it? I do not know whether he spoke about it or not.

Before you went home to your own abode on the night of the 22d, did you hear of a man being shot? No, I did not.

Was there any other meeting of that mill in Stephenson's after the men had commenced work? I do not know; only one returned to his wheels in that mill.

Was there any meetings after the strike of that shop except one? I could not say.

You mean to say that you have been at no meeting of the shop after the strike? No, only at that one.

JOHN M'MILLAN—(Examined by Mr. ROBERTSON)—You are a shopman with Angus Cameron in the Saltmarket? Yes.

You remember the night Smith was shot? Yes.

What night was it? The 22d July, Saturday night, as far as I remember.

Do you remember any cotton-spinners being in Cameron's house that night? I do.

Did you serve them? Yes.

What did they get? The first that I gave them that I remember, was two half mutchkins of whisky.

How many were there? I did not count them; but from the way they filled the room, there might have been from 8 to 11.

Did you see them doing any thing when you went out and in? Nothing.

Did you hear any noise of tossing halfpence? I heard a shuffling of money some way or other, perhaps dividing their money: I gave them some small change myself.

What time did they come? It might have been well on to 9 o'clock: the house was lighted when they came in.

Did you know any of them? They were strangers; I never saw them before that: I had not been long in the place before that.

Did you hear the names of any of them? Yes; when they first came in my master was not in, and I heard only one: when I served them the first time, they said they had no money till they would get their aliment: when my master came in, I told him such a company came in: I opened the door to him, and he look-

ed, and told me there was one William M'Lean sitting in the corner, and that he knew him well, and that he was a decent lad, and paid always well in the shop before.

After that, did they call for more liquor? Yes, for whisky again: I do not remember whether they got any more porter again.

Any biscuit? We always give cake or biscuit.

When they were there, did any other men come? They were a long time in before any body came.

How long? I could not tell you: I had other things to do; the house was throng that night.

When these two men came, what did they say? They asked me if there were cotton-spinners in: I said I did not know, but I would go and ask: I went to ask, and told them they were cotton-spinners, and the two men went in and stopped about 10 minutes.

You did not know these men? No, I could not say.

Did they go away again—after that had they more spirits? They had a little, but I do not remember how they were getting it—but they stopped a long time.

Did you know which of the men was M'Lean, after your master told you there was a M'Lean there? I think he was in on the Monday, or some day next week again, but I am not certain.

Do you know him now? Yes, I think I should know him. M'Lean being pointed out to him, witness said, I think that is the man—I would not go past that man for him, but it is not the same dress he had on.

How was he dressed that night? In some kind of square coat, dark or green, but I rather think it was green, round breasted.

Is it like the coat you have (a sort of surtout)? Aye, something like it.

What kind of trousers? I cannot tell.

What time do you usually shut shop? On Saturday, at 12 o'clock; sometimes 10 or 12 minutes past it—12 o'clock is our regular hour.

Do you let your customers know when it is 12 o'clock? Yes, we let them know—we let them know before 12.

Did you give that party warning that night? I do not remember, the house was so throng, but I might give them warning.

What o'clock was it when they left? I could not really tell the certain time—it might have been half-past 11, or maybe farther, for the true time I could not say.

Do you mean it was well on to half-past 11, or it might have been later? It might have been later, but I could not be certain, for the house was throng.

Did they all go together? As far as I remember, they all went out together: I did not miss any of them away.

Did they pay for what they had got? Yes, they did.

You said M'Lean came back on the Monday? Yes, either Monday, or shortly after that.

When he did come back that day, had he the same dress he had on on the Saturday? I observed no difference.

(Cross-examined by the LORD ADVOCATE)—Cameron was not in when they first came in? No.

What time did he come? It might have been about half-an-hour after; I could not tell.

Did he remain till the shop shut? I think he did.

Was he going about? Yes—he would not be much out, except going to a neighbour's house for change.

Did he assist in serving his customers that night? He did.

Did he go into that room? I think he did go in once.

What did he go in with? With a gill, or half-a-mutchkin of whisky.

Did he stay any time when he went in? No, he had no time to spare.

When did you shut up the shop? 12 o'clock.

Was Cameron there when you shut up the shop? Yes.

Was he in the shop when these persons went out? I am sure he would be in: I do not remember of his being out any time.

Did he speak to any of them when they went out? I cannot say.

But you are quite sure that he remained till the shop was shut up? I am quite sure of that.

Was it before or after 12 o'clock was called? It was called, and the door was shut at 12: there might have been one or two acquaintances in the shop.

Did any of the other companies remain after they went out? The house was thronged, and I cannot tell what time they went out: they could not all go out at one time.

Did the spinners all go away at one time? Yes.

Was their room empty when they went out? Yes, quite empty.

After they went out and their room empty, was there any other companies or parties in the house? Yes, I dare say there were some in, but I cannot tell you.

Did any people go into the room they had left after they went out? Yes, there were two, but as far as I recollect, they did not sit down: I shut the door after me when I gave them what they wanted, and Cameron went in, and they were some acquaintances of his own.

Who were these two persons? I did not know them.

Had you ever seen them before? I do not know.

Have you ever seen them since? I do not remember: I cannot take heed of every person that comes in—I do not recollect.

Recollect the question, and think before you speak—whether you saw these two men that went into the room where these cotton spinners had been, and were Cameron's friends—whether you had ever seen them before or since? I do not recollect of seeing them since, and I was quite a stranger in the place at that time.

Did Cameron go into the room with them? No, he did not: he stood with the door in his hand open—they asked him in.

You mean to come into the room? Yes, they wanted to speak with him.

Did he go into the room, and speak to them? No, he did not go past the door.

Did he stand in the door-way? Yes.

And he spoke to them from the door-way? Yes—I was not beside him.

Have you any doubt that he spoke to them? I am most sure that he spoke to them.

Where were you at the time? I was at the counter, putting by the glasses.

Were you not near enough to hear what Cameron said? No.

How far is the counter from the door-way—is it as far as from you to me? It is much more farther than the length of this place altogether.

Is it a large shop? Not a very large shop.

Is it a long shop? It goes far back, but not a large shop.

And you do not call it a large shop from the wall here to the fire-place? No.

Do you know M'Illwraith's shop? No.

What is the size of the room they were in? The shop is larger than the room they were in.

Is it twice the size? No, I do not believe it is—the front of the shop.

You did not hear what Cameron said to these two men? No.

Where is Cameron now? In Glasgow.

Is he here? Not that I know of.

(By the Court)—While the men were in the room, did any one come out? I did not miss any of them away.

Did you see any of them go out? No: one of them spoke to a man at the door, and turned in again.

Might any of them go out without you seeing it? Yes, they might go to the door without my missing them.

When they did go away, can you say that the prisoner M'Lean was among them? I think he was among the last.

Are you sure of it? I am not very sure, but I did not miss any of them.

When that man came back on the Monday or some other day, for what purpose

did he come? When he was passing by with one or two of them, he might have a gill of whisky or something, but I do not know.

Did that man, at this time, or any other, say anything about the meeting in the house on the Saturday? No, I heard no word about their meeting.

Had you then heard of the murder of Smith? Yes, I heard it upon Sunday.

Did any of the men that came the day after speak about the murder? They might speak about it in the house, but not to me.

Were those that came back with him at the meeting on Saturday? I do not know.

GILBERT M'ILWRAITH—(Examined by Mr. ROBERTSON)—What are you to your trade? A tailor.

Does your brother keep a spirit shop in the Bridgegate? Yes.

Were you keeping the shop in the month of July last? Yes, I kept it for him four days.

Was it about the time of Smith's murder? Yes.

You remember the night of that murder—it was Saturday night? I did not hear till Monday that it had taken place on Saturday night.

Do you remember any cotton-spinners coming to your brother's house that night? Yes.

Was it late? About 12: the watchman was calling past 12 just as they came in.

How many were there of them? I could not exactly say; but I think about 8 or 9 of them.

Did you know any of them? Yes, one in particular that I knew: I did not know any of the rest.

Who was the one you knew? William M'Lean.

Is that the man? It is the man sitting there.

Had you known him before? Yes, I knew him for 8 or 9 years.

Had you shut up the shop? The shuts were on, and the door was put too, but not barred, when they came.

How was M'Lean dressed? He had on a dark green coat, light moleskin trousers, and light vest.

(By the Court).—Are you quite sure of that dress? Yes.

(By Mr. ROBERTSON).—Were the moleskin trousers and vest clean or dirty? They were not just clean—soiled a little.

Had he any appearance of having been running or heated in any way? No.

What sort of a hat had he? It was not a very good hat; it was a common black hat.

Had the party any spirits? Yes.

How long did they remain? It was about one o'clock when they went away.

Did they all go together? Yes.

The SOLICITOR-GENERAL.—My Lords, I have to request your Lordships to expunge from your notes the deposition of the witness, Daniel Montgomery, which was taken down by the Clerk and signed by the witness. The Montgomery I meant is a different person; and I make this statement lest the signed declaration of Daniel Montgomery might make an impression on the Jury.

Mr. ROBERTSON.—This is what I expected from my learned friend the Solicitor-General.

The LORD JUSTICE CLERK then expunged the declaration alluded to from his notes, and directed the Jury to do the same.

The proof for the pannels terminated at 2 o'clock.



The LORD ADVOCATE then addressed the Jury on the part of the Prosecution as follows :—

May it please your Lordships.—Gentlemen of the Jury, The evidence in this long and protracted trial, in which you have had so fatiguing a duty to perform, is now closed, and it becomes my duty to address you on the part of the prosecution.—After the long time you have been engaged in this trial, and the close attention you have paid to it, I feel myself bound, as far as I can, to avoid occupying more of your time than is absolutely necessary, and in doing so, I trust to go over the case, not perhaps in the form which might have been adopted in contradicting the different questions before you, but in such a form as may make it the most easy for you to make up your minds as to the result of this trial, and save time to you afterwards in the deliberations which you shall have to be engaged in together.

It is necessary, in the first place, that you should have a clear and distinct view of the question on which these prisoners are tried. According to the form by which all criminals are brought to justice in Scotland, the Public Prosecutor is obliged, in the first place, regularly and distinctly to describe the different crimes with which the party is charged, and what is the Law in regard to them, and then he states the facts in which he maintains that those parties are convicted. That is termed the major proposition of the indictment. It ought to state clearly what are the crimes of which the parties are accused. They can be accused of nothing else ; and the question you have afterwards to consider in weighing the evidence is, whether there are such facts proved as call on you to pronounce a verdict that any of these crimes so charged have been committed by the persons accused. You will perceive the different charges stated distinctly and clearly in the outset of these criminal letters. I wish you first to direct your attention to them, to see if you have a clear idea of the crimes with which these parties are charged, on which you are called upon to return a verdict.

The first charge states the law to be this, “that by the laws of this and of every other well-governed realm illegal conspiracy of workmen forcibly and illegally to raise or keep up wages or the price of labour, by means of threats, intimidation, and molestation to other workmen, and by perpetration of acts of wilful and illegal violence against the persons or property of masters or workmen, with the illegal and felonious intent and purpose of thereby deterring and intimidating them, respectively, from giving or taking employment at the rate of wages or on the terms which they please.” This, Gentlemen, is the first charge,—it is a charge of conspiracy alone to do those things by felonious and illegal means, and it is not disputed that it is in itself a crime. But it is more necessary to direct your attention to the next charge, because it is not merely a conspiracy—not merely forming a design to control other workmen from accepting such rate of wages as they thought proper, and to control masters and prevent them from employing workmen ; but it is forming a conspiracy to carry their designs into effect by employing illegal means. It does not rest merely on the conspiracy, the intention or design to accomplish those objects illegally, but it charges that they carried them into effect by a variety of illegal acts. Look, then, at this next charge. “AS ALSO, ILLEGAL CONSPIRACY OF WORKMEN, forcibly and illegally to raise or keep up wages, or the price of labour, by means of the writing and sending threatening letters to masters or their managers, and of the wilfully setting fire to, or attempting to set fire to the dwelling-houses, mills, or warehouses of owners, masters, or their managers, and of the forcibly invading of the dwelling-houses of workmen, and of assaulting and murdering workmen, or by means of the perpetration of one or more of these unlawful acts, with the illegal and felonious intent and purpose of thereby deterring and intimidating them respectively from giving or taking employment at the rate of wages or on the terms which they please ; and when such threatening letters are written and sent to such masters or their managers, and fire is set to, or attempted to be set fire to, dwelling-houses, mills, or warehouses of owners, masters, or their managers, and the dwelling-houses of workmen are invaded, and themselves assaulted and murdered, or one or more of these unlawful acts are

perpetrated in pursuance of the said object and purpose of such illegal conspiracy." It is necessary that you should have this clearly in view, that the accomplishing these objects by these illegal means, the employing of those means for those purposes, constitutes the crime stated to you, whether accompanied by all these illegal acts, or by one or more of them; and when you consider the facts, and have to return your verdict, you must weigh well in your mind whether they were perpetrated or proved to have been carried on and conducted by the persons now accused at this bar.

You see, therefore, that the charges before you are of conspiracy unlawfully to affect the rate of wages, of intimidating workmen by violence against them—by setting fire to houses and mills, and by these means offering constraint on both masters and workmen, and in the accomplishment of these objects endeavouring to perpetrate them by all the means there stated, concluding with murder.

There is a separate charge of sending threatening letters; and the crime of murder stated as a crime, done for the unlawful purpose and felonious intent of deterring other workmen from continuing to carry on their lawful occupations.

I trust the statement I have made is sufficient to shew you that the charges that are made are distinctly enumerated, and that you have a perfectly clear idea of what the prisoners are accused of; and that you are prepared to go into the evidence on which a conviction is asked. So far from considering it unlawful in workmen, by fair and legal means, to endeavour to raise their wages, I consider it the undoubted right of every person to do so. The most sacred right which a person possesses is that of using his labour in any way he thinks fit. It was a question, according to the former state of the law, whether peaceable combination by workmen was legal or not, and in questions that occurred in regard to it, opposite opinions were entertained by lawyers of great eminence; and in England it was settled that it was illegal to combine. But an act was afterwards passed to the effect, that when such combination did no injury to others, they might combine, as they thought fit, to raise their wages—they might combine to raise them, if they did so peaceably, by fair and legal means. I find no fault with workmen for so doing. Workmen may do so—all men may do so; but they are not to interfere with the rights of others. Each man and all men may demand what wages they think fit, but they have no right to compel any man not to take the wages offered, or compel masters to give a rate of wages which they do not think proper to give. Any interference with the rights of individuals, to prevent them from carrying on their labour as they think fit, must be fatal to the commerce, industry, and prosperity of any country. It is only in free countries where manufactures and industry have been carried on with success. The labourer is at his own disposal, and no man can control him; but where any control is exercised, more especially when vested in a number of men, it is asserted that in a short time the prosperity of that country and the manufactures of that country will soon come to an end. Nothing could more certainly be fatal to all concerned in commerce and manufactures—to every workman concerned in them in this and every other part of the country, than violence or control offered to the employer or the employed. Let me not be misunderstood. I consider that all men have a right to the produce of their labour. No man, or body of men, have a right to control it, or to exercise any violence in regard to it; and in bringing this prosecution, which has been the subject of much discussion elsewhere, I maintain that this is a prosecution to protect the labour and the rights of workmen, and to free them from the shackles which tyranny has imposed on them by the falsest and most hypocritical pretences. What I wish your attention to be particularly directed to is this, that while these persons pretended to be doing what is perfectly harmless, they were secretly, and evidently, and darkly, and artfully pushing those designs by which they thought they would accomplish their objects, for a long series of years, until at last it was unfolded to the public. It is necessary for you to consider the means by which this conspiracy has been carried on,

and the manner in which it had escaped detection. While this Association was pushing an object which was apparently harmless, they had, step by step, been led to the perpetration of the greatest crimes. The acts of violence that had been perpetrated in Glasgow for many years past surprised and astonished the country. They were so unlike the character of this country, and so different from the usual feelings of Scotchmen, that they excited the deeper surprise. The throwing of vitriol—the assassinating harmless and innocent persons—the shooting at individuals in open day, are acts which were committed there, acts quite unlike any thing that we are acquainted with any where else, quite unlike what any man would do, unless he was goaded on by some strong personal motive, such as deprives an individual of all ordinary feeling. It was step by step that those crimes came to be perpetrated. Step by step these persons came to be placed in a situation, in which they come to lose all the ordinary feelings of humanity. The members of this Association came by degrees to be in great difficulty, and in great want; and individuals in such a situation may be often made to commit crimes on which they would previously have looked with abhorrence. Here we have a great body of persons all placed in the same condition, engaged in a strike, and if they can achieve it they are entitled to do so; but look at their condition if they fail: week after week they are reduced to greater wants. We have it in evidence that when this Association first commenced their strike, they had an aliment of 3s. in the week, each man, which was gradually reduced to 1s. 6d. and 1s. in the week, and latterly to ninepence. What a state of misery is this into which they were thrown! When the strike was first proposed and argued, how few, if any, would have been disposed to enter upon it, if they could have foreseen the result! When they could not accomplish their object by fair means—when they were reduced to the utmost misery and wretchedness, they proceeded to attempt fire-raising, to the throwing of vitriol, the beating of workmen, to the attempt to burn and destroy mills, and to the sending of threatening letters; and when they failed in accomplishing their object by these means—when, reduced to the greatest and most abject state of necessity, they employed one of the most reckless of themselves to carry this intimidation farther, by assassinating one of the workmen who had accepted of work upon the terms offered by the masters. Every one of these charges have been established by an overwhelming series of evidence, which leaves no room for doubt as to the nature of this conspiracy. It remained for a long time in obscurity and darkness,—it was carried on with the greatest skill and art, and by which those persons at the head of it endeavoured to conceal from all the power they exercised and the means they employed. The whole is now unfolded. I might, I think, safely say that I could reason this case upon the facts appearing in the declarations of these prisoners, and upon the evidence of their own witnesses, unquestionable facts that cannot be disputed, not but that there is much evidence which it is necessary for you to weigh and consider, but the very nature of the conspiracy, after the facts which you have heard, is fully made out even by their own witnesses, and by the statements they themselves have made in their declarations.

First, then, I call your attention to the statements in their own declarations, for they exhibit the spirit with which they have carried on their conspiracy, and the means by which they endeavoured to attain the object which it had in view. I would not wish to dwell particularly, where there is so much evidence, on the declarations of a prisoner, if he was ignorant of the law and of the facts; but these prisoners were placed at the head of the combination—they were acquainted with all the various trials that had taken place, of individuals belonging to the Association charged with acts of violence, and they shewed that they were skilful in avoiding every thing that might afford the means of detection. You will see how they avoided, in their several declarations, any fair, clear statement, and how they pretended ignorance of these measures which they were appointed to manage. Observe here, that the taking of secret oaths is no part of the charge. Secret oaths and secrecy, are charged as means employed by the combination, in order to

obtain success; and you will be satisfied, from all the evidence, that they had the means of enforcing secrecy on all the persons connected with their proceedings: and here is one point, before considering the evidence, that you ought to bear in mind, I mean the great difficulty on the part of the Crown of establishing this prosecution by evidence. Here are 800 persons, according to their own account, directly engaged in this Association; and I believe that that statement is rather below than above the truth. On these cotton-spinners a great number of others depend—piecers, who receive a certain amount of wages for their assistance in this species of manufacture. It is farther evident that a great many other persons, publicans, and those who furnish them with food and clothes, must be dependent on that body; and if that body are all engaged in the same views, and urge each other in one common object, which they think may lead to promote their interest, what other effect can it have than tend to destroy all the social principles which govern mankind. All men look for the applause and the approval of those among whom they live; and, therefore, all men endeavour to attain a character for truth, honesty, humanity, and fair dealing. But where men are combined in an unlawful object,—not three or four men, but where they amount to thousands, including themselves and dependants, who are all sufferers by what they consider their sufferings, who are all reduced to difficulty and actually to misery, you have no longer over these men the ordinary obligation of morality; because if they act so as to promote the object of such an Association as this, every one man in the Association is more or less apt to consider it as severe to himself. They are all exposed to the same misery and want; and when they acquiesce in the principle that they can obtain their object by those means, the usual restraints of morality are withdrawn from the multitude.

But it is still more if an unlawful oath exists among them. If an individual has once taken an oath on the scripture, it is difficult to restore his mind to such a state as to induce him to give his evidence as it ought to be given in this Court. If there be on his mind the strong impression that he had taken a solemn oath that he was bound to adhere to; and that he would be guilty of a crime in revealing what this oath bound him to keep secret, is there not here an obstacle to the development of truth? In such a case the man's mind is sealed up and perverted, and is not accessible to inquiry in the same way as the mind of an individual free and unshackled.

I shall now beg to direct your attention to the evidence, praying you to consider always this as a separate question, has this conspiracy existed—has it been carried on by all those unlawful means to which your attention has been directed, not excepting murder, to obtain its object, considering also, how far the whole evidence tends to affect each and all of the prisoners at the bar. You must be satisfied that crimes have been committed, and assassination perpetrated under this Association, and that the whole of the prisoners are actors in those illegal acts, and perpetrators in the crimes charged.

Gentlemen,—I shall direct, in the first place, your attention to the statement of these prisoners themselves; but, before doing so, I ought to bring under your observation some of the more general charges in the libel, in order that you may have them under your consideration when I come to direct your attention to the evidence. I direct your attention to pages 2 and 3 of the criminal letters. It is unnecessary to read them again; they contain a general statement of the unlawful object of this Association. I do not suppose that my learned friends will renew the argument which they pressed very much during the former proceedings—that you are not to consider this as one unlawful conspiracy of the Association, but as a number of unlawful conspiracies of the Association. I submit to you that there was an unlawful Association, having those objects in view, and agreeing to them, but not always carrying them into effect. The different acts are all stated as acts of this unlawful Association. The different acts committed during the last strike, are those you have to return a verdict upon. But in estimating the general character of the Association, you are entitled to go back to its history; and you must consider the evidence by which it is established; because no one particular

act, would be sufficient to unfold its nature. It would give no adequate idea of their operations, and the means they employed. You have the early period of the history of this Association clearly stated in the 3d, 4th, and 5th pages, which were read to you formerly, and which I shall not take up your time in reading again.

I now beg to direct your attention to page 6th of the criminal letters. It is there stated, that Hunter was, at some period in the year 1837, elected as chairman to the Association; then it is stated, that Hacket was chosen to the office of treasurer; then, that M'Neil was chosen to the office of secretary; then, that Gibb was chosen to the office of assistant-secretary of this unlawful Association; and that these persons accepted of these offices, and acted accordingly. Then, there is a charge against M'Lean, as being a member of the guard committee during the same period, and that he accepted of the appointment, and acted accordingly. Then it states, that, on the 8th of April, they struck work in one body, on account of a reduction of wages, and so forth. Then follow, in page 9, the different charges. No doubt this took place for a reduction (the immediate cause) made by the manufacturers to whom the mills belonged. I offer no observations whatever, as to whether the reduction was right or wrong. I do not form any opinion on the subject; and when I directed some questions to several witnesses as to the wages earned at the reduced prices, I beg you will not suppose that I did so with a view to prove that these rates were sufficient, were too high or too low. It is to me, and it ought to be to every person, I will not say a matter of indifference, but it is a question in which no other persons than those concerned, have a right to interfere. One has a right to demand as much as he pleases for his labour, and another to give more or less as he thinks fit. I would rejoice that the wages of every workman were as high as the nature of his trade could afford him. All I contend for is, that, in the one party giving as much as they can, and the other party bargaining as they think fit, no violence is to be offered on either side. It is evident that when a strike goes on, while there are a certain class of workmen, such as handloom weavers, who earn merely the small pittance of 3 or 4 shillings a-week, there will be always coming forward persons desirous of bettering their condition, and offering themselves for employment in vacant situations; and in doing so, no persons have a right to prevent them from labouring as they think proper, for the maintenance of themselves and their families. When a strike is of such a magnitude as you have heard this one was, other persons will come forward to supply the places of those who have given up work; and then the contention is commenced, and it becomes more and more aggravated as it goes on. The workmen who have struck, look upon their various employers as their bitterest enemies; and they look at other workmen as actual criminals, against whom they may do any acts of violence that they think fit.

I now call your attention to the voluntary declaration of the prisoners, taken before the Sheriff at Glasgow. (Here the Lord Advocate read from, and commented at great length, on the declarations emitted by the prisoners respectively, contending that the prisoners' answers were evasive, unsatisfactory, and betrayed a disposition to conceal the truth, on points regarding which they could not be ignorant.)

His Lordship then proceeded—Gentlemen, having made these observations on the declarations of the prisoners, I am now to call your attention to the evidence of the different witnesses for the Crown; but I cannot quit the declarations of the prisoners without noticing that they throw a mystery over their proceedings, which has been for the first time removed by the witnesses for the prisoners, who were disposed to swear by far too favourably. Some of them swear that they never heard of guard committees—never heard of any outrage being committed by cotton-spinning societies; but finding this would not benefit the defence, other mysteries of this Association became gradually more and more revealed to us. Although they denied that there was a secret oath, you have other important matters of fact which were denied and acknowledged by their

own witnesses. You have a guard committee acknowledged—a finance and supply committee acknowledged; you have other proceedings and acts acknowledged, proving that the prisoners acted with energy in promoting the evil; that they possessed the power, and actually did accomplish the different acts with which they are charged.

I now call your attention to the evidence on the part of the prosecution. Have the goodness, Gentlemen, to look to your notes of the evidence, and if I should state any thing erroneously, you will be able to correct me. First there is the evidence of Moat, who belonged to the Association more than twenty years. The evidence of this witness goes to prove that the finance committee is the chief committee,—that it is pre-eminent of all others. You have evidence that there was a committee of delegates; but it is clear that the duty of these delegates was comparatively insignificant, and that it was merely a cover to what was carried on of much greater importance, and that they exercised no great power or authority themselves. They met together, it is true, talked together on various matters, and their object was to raise money, and to point out how it could be raised—to point out the state of the mills, and the situation and feeling of the men; but as to any measure of greater power or effect, or requiring greater authority, it is clear that it came under the consideration of a body different from the committee of delegates,—the finance and supply committee when they merged into one, and it is clear that this body was entitled to act with greater power and greater efficiency than this committee of delegates.

Now, in regard to the secret committee, or secret select committee of three, see how skillfully it was contrived. It is obvious that if their names had been known to great numbers of persons, it would have been extremely difficult to conceal them from the whole body; but the plan adopted in their selection concealed them from all but a few, and thus they became, as it were, freed from every responsibility in regard to the unhallowed plans to gain their ends which they might choose to adopt. (Here his Lordship read from the evidence of Moat.) It is not known how Hunter was appointed; but the fact that he was president of the supply committee is so clearly established, and, indeed, acknowledged by himself, that it admits of no dispute whatever.

You recollect the evidence this witness gave in regard to alimony being given to some persons, in consequence of the throwing of vitriol on Cairney, when witness was a member of the finance committee. A number of individuals in that committee, he said, were opposed to acts of violence, and when the alimony was given to the individuals, he said they got it "for God's sake," a remarkable and unusual expression, which he repeated twice. The witness says that it was the opinion current in the committee that those individuals had got this alimony in consequence of their connection with this business; and he swears that he sent to inform them that they got the alimony for God's sake, and not as a matter of right, and that this committee had no share in the act. Gentlemen, contrast this payment made to those men for their connection with the outrage to Cairney, 12s. weekly for twelve months, with the payments made during the last strike. Hunter declares that at the time when the guards were withdrawn, the alimony might average three shillings weekly, when their affairs were in a flourishing state, but at the time he was apprehended, from the depression of the funds, it was reduced to ninepence in the week; and yet for such services as Moat has described,—the burning of a young man with vitriol,—12s. a week were paid to some individuals for twelve months; not to one person, observe, but to several. Here is one mode of their acting disclosed to us. They acted together sometimes in a body of three, four, five, and six, so as to prevent detection. Then Moat explains the nature of the guard committee, which is incontestibly proved to have existed, and yet some of the witnesses for the prisoners effected to be totally ignorant of it. He then mentions that Angus Campbell, Richard McNeil, the prisoner, James Munro, Robert Greenhill, John McCaffier, a man the name of Sidesciff, and the prisoners, Hunter and Gibb, and a John Bunyan, were members of the supply

committee when it merged into the committee of finance, and that Peter Hacket was also a member. This is a very important part of the evidence. Then he goes on to tell us about another committee, the secret committee. He recollects the meeting in the Green of Glasgow in June, &c. There was a meeting, he tells us, that evening in the Black Boy Tavern, and that the proposal for the appointment of a secret committee was made by the prisoner Hunter, in some sort of ambiguous language; but witness understood, from what Hunter said, "that some more efficient means should be taken in order to gain the purposes of the Association," and then he says that a person of the name of Davies moved the appointment of a secret committee, which was seconded and carried nearly unanimously. There has been evidence adduced in regard to this meeting of delegates that evening, in the Black Boy Close, in order to disprove what took place on that occasion. We have the evidence of Adam Dickson, and a number of others, to prove that there was a delegate meeting held that evening, in which Dickson, not Gibb, was in the chair, and at which none of the members of the supply committee were present—and at which no such proposition as the appointment of a secret committee was spoken of. There is an apparent difficulty here; but it is easily solved. We had no idea that an attempt was to be made to prove a different meeting. I believe none of the members of the supply committee were present at the meeting in which Dickson presided. That meeting appeared to be one of the ordinary meetings, and Dickson, though not a delegate, was called to the chair, a proof in itself that it was but an ordinary meeting. Neither Hunter nor any of the prisoners were present at this meeting. It appears that this meeting took place about eight o'clock, and separated about half-past 9. I think I made it perfectly clear, in the cross-examination of the prisoners' witnesses, that this delegate meeting was of very little importance,—that it lasted but for a short time,—that there was some discussion about a contract, but that no matter of importance whatever, other than how they were to get money, was before them, and that the whole terminated in the course of an hour and a half. But, you will perceive, from the evidence of Moat, that the meeting to which he speaks, where this proposition to appoint a secret committee was introduced to their notice by Hunter, lasted till 12 o'clock at night. It is evident that this was a different meeting altogether from the meeting of the delegates. At the delegate meeting none of the members of the supply committee were present. We have it in evidence, that some degree of surprise was expressed at this; but they went on with their ordinary business notwithstanding; and upon such occasions, we are told that sometimes they sent for the members of the supply committee. It is proved by all the witnesses, by the declarations of the pannels, that the supply committee usually met every day, and it could not be but that it would meet this day, one of the most important periods of this last strike. This more important meeting which Moat speaks to, lasted till 12 o'clock, and the business before it was the most important that could come before them, the appointment of a secret committee. It was introduced obscurely and ambiguously, with the statement that some more efficient measure was necessary, in order to gain the object and purposes of the Association. You will perceive how they had failed in certain objects at the time—how they had failed in Keddie's trial—how they had been reduced in their alimentary allowance—how their distress was increasing; and the question came to be, how should they be able to accomplish the object of the strike. Keddie was convicted, and sentence against him delayed in consequence of the interference of Mr. Gemmill, pledging himself to use his influence with the Association to withdraw the guards upon the mills. A meeting took place, at which Mr. Gemmill was present, and explained his views, when it was agreed that the guards should be withdrawn, and that no acts of violence would be committed. The question thereafter came to be what chance would they now have of effecting their object, and of removing the distress in which they were plunged, if they did not agree to abandon the strike? The question before them at this meeting was as to the means they should employ to effect their object, or should they abandon the strike. Gentlemen, when persons are engaged in a struggle of that kind, how many feelings prevent them from

drawing back? These men were placed by 800 others at the head of the Association. They were invested with great power,—they had the whole and absolute command of the funds; and now all those who had contributed to these funds were reduced to the greatest distress. What, then, was to be done? Wise and virtuous men would have the courage to give up, but more desperate and unwise men have recourse to more desperate measures. Moat had been acquainted with what had been done before. He mentions the atrocities which had been committed, and the dislike with which he viewed them. The secret committee is proposed to be appointed, as being likely to produce the same atrocities as previously. He felt his opposition to this measure to be altogether fruitless: he had no hope of carrying conviction to their minds, even by stating that it was a measure of atrocity and injustice; but he endeavoured to convince them against the measure by arguing its impolicy and inexpediency. Hunter does not openly propose the secret committee; he avoids being the immediate proposer: he only instigates others, urging the necessity of having recourse to more efficient measures. He, however, does not name the appointment of a secret committee directly; but a man of the name of Davis moved “that a secret committee should be put into existence,” which was seconded and carried “nearly unanimously,” and, Gentlemen, what was the object of this secret committee? Moat answers, “from my knowledge of the affairs of this Association, and from what I have heard in their meetings, I would say its chief design was to destroy life and property.” What possible motive could this witness have to swear this upon this occasion, if it were not the truth? He swears that he considered it was proposed, and could he proposed with no other object than the destruction of life and property. That was the ground on which he said he opposed it. He did not argue on the ground of its injustice, but on the ground of its inexpediency, because had he argued it on the ground of its injustice and atrocity, he would not, he said, be listened to for a moment, and he had only one member to support him in his opposition. He states that he had argued the point on the way home with the prisoner M’Neil; and M’Neil, he tells us, pointed out the bad conduct of Mr. Arthur, manager of the Adelphi mill, and said he considered it was conduct so bad that it would justify any measure that was resorted to by the Association. These were M’Neil’s views of this matter; and when such a contest goes on between masters and men, it generally comes to a state of the most extreme exasperation. And yet truly, there are no persons of more importance to cotton-spinners than the proprietors of those factories. Every thing that prevents capital from being employed must necessarily throw spinners out of work, and tend to make their condition worse, to throw them into greater distress, prevent them from getting employment, and therefore lower their wages. Whatever can induce masters to leave the country—whatever tends to intimidate them to produce such an effect, must, in the judgment of every wise, calm, and deliberate man, if he really considers his interests, tend to bring misery upon the operative, and injury to the manufacturing and commercial interests of the country. The proprietor of the mill is the employer of the cotton-spinners, and the person who injures this proprietor does that which is most injurious to the spinner. Remove the proprietor from the country, the spinner must be thrown destitute on the community, like other individuals, for whom no employment is to be had. Naturally enough, no doubt, the spinners thought they should not have less wages than they had, while the masters, on the other hand, thought they should be paid with less, and perhaps with reason. And when they are reduced from 30s. to 20s. a-week, and from that in a strike to an allowance of 3s. a-week, and from that again to 1s. and then ninepence in the week, no doubt they look on those who will not give them the terms they wish as their enemies—as the persons who have reduced them to their present state; and here is a war carried on by one class of men against another; and the operatives have the foolishness to think they could better their condition by acts of violence against their employers, whose remaining in the trade can be the only preservation of their wages and their continuance in office. M’Neil told Moat that Mr. Neil Thom-



son had left the country, and the cause of it he considered to be fear of what might be done by the spinners; and McNeil, it seems, inferred from that that the projected measure of the secret committee would be efficacious in intimidating the masters, and gaining the purposes of the Association. Moat meets Gibb in the street several weeks after the secret committee was proposed, and he tells Moat "that seeing the way they had been used by the masters, he would be one of them himself now, although he had been at one time opposed to a secret committee." No doubt his feelings of exasperation against the masters were increased from the state of distress into which he must have been thrown, and he tells this witness that he, Gibb, the most respectable, perhaps, of these unhappy prisoners, would now become one of the secret committee himself.

Moat is then shewn No. 23 of the productions, the certificate in favour of William McLean; and then No. 5, the book of outlay. (Here his Lordship read from the evidence the statements, in regard to these particulars.)

Now, it is clear, according to the evidence of this man, that the meeting of the delegates, on the evening on which Dr. Taylor addressed the trades in the Green, and the meeting at which Moat was present, were two separate and distinct meetings. It is clear, according to his evidence, that this meeting where these important resolutions took place, lasted until about 12 o'clock. It is equally clear, from the evidence of all the witnesses, that the other meeting of delegates, at which nothing important occurred, and at which Dickson presided, was over at half-past 9 o'clock. We were so unaware that any objection of this nature was to occur, that we never thought of putting any questions in regard to when this meeting took place; but you cannot have the smallest doubt that this was a meeting of importance, and that the other was merely an ordinary meeting, at which any person might preside; while this was the most secret and important meeting of the society: and after having attended which, the witness said he would never attend another. This meeting was for a totally different purpose from that of the meeting of delegates. It was for the appointment of a secret committee. The measure was obscurely brought forward by Hunter, and openly proposed afterwards by Davis, and two individuals only used their efforts to prevent them from having recourse to so desperate an expedient.

I now call your attention to the next witness, Murdoch; but after having gone over the evidence of Moat minutely, I will take up the rest of the evidence in as summary a manner as possible, as I know the whole of it will be gone over by the learned Judge who presides, in his charge; so that I will merely recall Murdoch's evidence to your recollection. You will have the Bible before you on which the oaths were taken, and you will find how at once it opens up at the different pages where the words Ashdod and Armageddon occur.

The witness is asked what is the meaning of nobs,—he tells you, and he says that the greatest nob of all is the one who reveals who are the members of the secret committee. This is important, as shewing the mystery in which the affairs of the Association were enveloped, and shewing how they had gone on for many years in concealment.

In the evidence of this witness, you have a variety of the crimes stated, the commission of which was rewarded by the Association. He gives particular evidence in regard to the Broomward manufactory, at which women were employed to work. The Association found fault with the women—they considered that this was a thing that ought not to be endured, and must be put an end to. The first means they employed, was an endeavour to set the mill on fire; but they failed in this attempt. This, he said, he knew from the public papers; and it appeared that money was paid for this attempt under the term "*col-leries*," which meant, money paid for violence, or attempting to burn. And what was the next attempt? The murder of a woman of the name of McPherson, whom they murdered instead of her daughter. They wanted to murder the daughter—money was advanced to the perpetrators of the deed; he believes that

they were allowed to emigrate to America in consequence of the commission of this crime.

He then gives an account of a person being shot, of the name of M'Quarrie, and says that "three different payments" were made, on account of M'Quarrie's shooting; that M'Quarrie was a nob; and that one of those three persons was afterwards transported for shooting at Mr. John Orr, Paisley. Then he tells us this most remarkable fact, as to the manner in which Campbell shot at M'Quarrie. This man appears to have been shot at in the Green. This witness and another person went together. Witness was told that some violence was to be committed: he went to the Green, expecting something to take place; but he says, that, actually, he did not expect what took place. Darroch walked two or three steps across the Green, and fired his pistol, which did not take effect. Then Campbell came out from among the trees on the Serpentine Walk, and, in open day-light, shot at M'Quarrie, and wounded him; and this, when a number of persons must have seen him. There were £300 of reward offered, and no person came forward to inform on this man who had fired at M'Quarrie in day-light, where numbers might have seen him; and if any of them had given intimation, they would have received the £300; but such was the state of matters in Glasgow at that time, that no one came forward to give information. I was not allowed to put the question to this witness, whether Campbell had told him he had got money for this transaction; and therefore you will expunge this from your notes. My learned friends say that I should have cited Campbell to speak to this himself, but I could not have done so without offering impunity to Campbell; and, for such a crime, impunity ought never to be offered. But this evidence of Murdoch's is most important, in so far as it shows the spirit and power of this Association,—that they can bring themselves to commit and encourage such atrocious crimes, in day-light as well as by night. A man might start from amongst them, and might wound another and not be distinguished, and might thus escape punishment for the offence. So long as the Association maintained those powers, and carried on these crimes with impunity, society in Glasgow could not be safe. the demoralization must have spread to other manufacturing districts, and it might have placed this country in another situation, than is known in any other. Could you have believed that such a thing could have taken place in open day in the Green of Glasgow, and no one come forward to give information regarding it? This man, M'Quarrie, was shot in this place, and at this time, in presence of a great many, none of whom mentioned or dared to reveal who was the person. A large reward for information did not tempt the cupidity of any one. I need not dwell on all the atrocities which this witness and others state; but some of them delineate the crimes which had been perpetrated, particularly in regard to Graham. There is a claim made before the secret committee, on account of the shooting of Graham. For that crime Kean was tried, publicly whipped, and transported; yet what took place in this Association for this crime, the shooting at Graham? Although he was wounded in the spinal marrow, he did recover. Some persons came forward to claim the reward for perpetrating this deed. A claim of £20 is made; and an adjudication takes place, as to whether this man is entitled to the reward, and he is desired to produce witnesses. He produces Thomas Paterson, and in consequence of what Paterson says to the committee, this person receives the £20 for the felonious act he had committed. Then Kean's wife had an alimony of 12s. a-week paid to her for 18 months. Compare this with the alimony on the strike. First 3s. were paid weekly; and, at last, only 9d.; but the wife of a person who was whipt and transported for this atrocity receives 12s. a-week, for 18 months. Witness knew this as a member of the committee, and he tells us that the expenses of defending this man for committing this atrocious crime were paid out of the funds of the Association—out of the hard-wrought earnings of those individuals who were compelled to contribute to its funds. Now, what takes place after this? A meeting of the Association is

held in a hall, to deny the charges against the Association for the shooting at Graham. Paterson speaks upon that occasion, and denies the charge; and this Paterson is the very man who was examined on oath before this committee to substantiate the men's claim to the £20. In the report in the newspapers, everything is mild and temperate; but when the secret committee are assembled in private, they pay the funds of the society to those persons who commit such atrocities. A number of other atrocities are committed and paid for. A man Walker is taken up for shooting at Brown's house, and it is proposed by the society to get persons to swear that Brown himself had hired persons to shoot at his house. It appeared that Walker had pled guilty, and they did not know it. What was the proposition? It was to get false witnesses to swear that Brown had himself hired persons to fire at his own house, a thing that can hardly be believed. These persons were under no other restraint than what arose from persons who possessed the same feelings with themselves. They could command witnesses to do anything and to any extent; the only difficulty in regard to them being to take care that they should not go too far. There are witnesses in this case who seem to have come forward with remorse, and who have been examined under the assurance of protection; and without that assurance they would not have come forward. They do not expect the assistance and approbation of those in the same circumstances with themselves. They were moving among a class of persons who seem to have scrupled at nothing,—at the act of cruelty or atrocity; and they have come forward to give their evidence only on the ground of receiving the protection of the law. They were associated with persons who thought that by violence they might obtain their object, but who now ought to be convinced that by such means they never can better their condition.

There are a great many other details in regard to the strike which this witness speaks to, all of which are of importance, and to which I beg briefly to direct your attention. He speaks in regard to the certificate given to M'Lean, and says that the office-bearers had no authority to give such a certificate,—that it is not in the usual style of free lines. He speaks also in regard to the murder, and says that he saw M'Lean that day at the Broomielaw with some others, and heard them make an appointment to meet again in the evening. He is cross-examined in regard to the certificate, and states that he had seen a certificate of the same kind when he was a member of the committee in 1836. (Here his Lordship read his notes of the evidence, in regard to the certificate.)

Then comes the important evidence of Cowan. He gives the same explanation of the term "Colleries," as the former witness. He speaks, also, you will recollect, in regard to Keddy's trial, corroborating the former evidence; and he speaks to the assault on Donachy, and other matters. Then we have the evidence of Mr. Alison, sheriff, which I will not read to you, but which, you will recollect, is of great importance in regard to what took place in the case of Keddy, and in regard to the state in which the city of Glasgow was at that time. Mr. Alison endeavoured to put an end to the violence which was going on. Keddie and some other persons were seized, tried, and convicted; but sentence was not passed, in consequence of Mr. Gemmill, who had ably defended the man, stating that he would use his influence with the Association, to withdraw the guards from the mills. Mr. Alison expressed his willingness to agree to this; and, accordingly, the guards were removed, and the objects of the Association were entirely frustrated by this. They then forgot their agreement to leave the mills unmolested, and in a few days thereafter every thing went on in the same way; and they continued to increase their violence, and terminated in the appointment of this secret committee. I shall now, shortly, call your attention to the different charges as to which the witnesses have been examined, and which I will merely recapitulate, that you may have them in view. You have the outrage at the Oakbank factory, against John Farmer and William Gordon, operative cotton spinners; and I am subject to your judgment, whether these persons did not appear to diminish the assault,

rather than to state the facts fully as they occurred. This, I think, will appear evident to you when you compare their evidence with that of Sheriff Allison's, and also with that of Captain Miller, who was obliged to send out to that factory bodies of police, to protect the spinners who were working, and to escort them home. Never was there a case of violence more completely made out. You have then the evidence in regard to the threatening letters which were sent to Mr. Arthur, who received them, and to which he has sworn. Then you have the evidence of the threatening letter to Bryson. You have then the evidence with regard to the handwriting. The witnesses Gavin, Wilson, and Clerk were desired to compare the handwriting of M'Neil, as acknowledged by himself, with the handwriting of the threatening letter of 20th June. I need not read to you the letter. It is fresh in your recollection; and I am convinced that no person can doubt that it is a letter threatening the life of Mr. Arthur. The question is, is this letter in the handwriting of the prisoner M'Neil? It is proved quite satisfactorily that this letter bears the post mark of Neilston? but this is not the slightest evidence against its being written by M'Neil, and sent by him to Mr. Arthur. The question is, is this letter in M'Neil's handwriting or not? You shall have it before you, and you can judge of it. You have the evidence of three persons of skill in regard to it; and they believe it to be in his handwriting. It is for you to judge when you see the letter; and you are all of you most capable of judging in that matter. If it is in his handwriting, or if it should not be proved to be so, can there be any doubt that is the production of the Association? Besides, you have evidence that M'Neil expressed himself with the greatest animosity against Arthur. I apprehend that it is clearly proved that this threatening letter was written and sent by M'Neil to this person; and this being the case, it being written for effecting the object of this Association, it is an act of this Association, and of those persons at the bar, who were at the head of it, who directed its measures, and who instigated those measures of violence, which they thought it their duty to reward. There are other threatening letters, which afford just another proof of the system that was carried on; and it is clear that they were written by persons connected with this Association, and with the view of inducing the masters to yield to the wishes of those persons who guided the Association. With these observations, I pass over the charges Nos. 7, 8, and 9, which are clearly stated in the criminal letters.

I now come to the charge No. 10, the assault upon Donachy. You recollect that he was obliged to leave his house next day. You recollect that Riddell went in by the broken panel, and took a pistol from Donachy, snapped it at the door, and put it in his pocket. I will afterwards refer you to the evidence adduced in regard to the ailment that was given on this account. The evidence in regard to this assault, is fully and minutely described, and proved by the evidence of this witness, and the evidence of the woman in whose house he lodged. You will recollect that Riddell was arrested at Manchester, charged with this particular offence. This outrage took place under the particular direction of the Association, and an additional proof of this is the ailment that was awarded for its commission.

I now call your attention to the 11th charge, that of attempting to set fire to Wood's house, by throwing canisters burning with some combustible matter, into the house. It is not necessary to dwell minutely on the evidence. Two such canisters were thrown through the windows with a most deliberate and malicious design. Another act of violence of the same kind charged here, and also fully established, is the attack on Hussey's mill. You see the preparation that was deliberately made to accomplish this object. Two combustible parcels, with a stone in the one end and which were thrown into two different parts of the mill, one thrown into a room, where there was waste, and another, where there was a large quantity of cotton yarn, to the value of £5000, which fortunately had been removed from its former position, and placed differently upon the floor. If its position had not been altered, the whole mill, and probably a

great part of the neighbourhood, would have been burned to the ground, by this atrocious and ferocious attempt. On this, you had partly the evidence of M'Kinnor, who was seized with epilepsy in the witness' box. I consider him, however, as not examined at all, as there was no opportunity of completing his evidence. But the evidence of this attempt was supplied by the two next witnesses.

There is then the charge of the attack on Gray and Kean, operative cotton-spinners, who were working in the Adelphi factory. They were examined, and their evidence corroborated. Then we had the evidence of Dr. Corkindale, in regard to the composition of the combustible articles which were thrown into Hussey's mill. You have then the evidence of Smart, the superintendent of the Calton police, in regard to certain letters and papers found in Hackett's house. And then the evidence of Fleming, criminal officer in the Glasgow police, proving that a body of police officers had to be sent to Oakbank factory to protect the new hands; and that Farmer and Gordon were attacked, and were obliged to take refuge in a house. These different acts are merely illustrative of the acts of this conspiracy; the great difficulty was, to select from the quantity of acts done under this conspiracy, such as could be easily proved on a trial, which has exceeded in length any other trial which ever existed in this country; and yet I am not aware that we could have shortened the detail of facts, or the evidence adduced in support of the different charges which we have selected. You have violence offered at cotton factories by a variety of persons assembled: and you find, that when persons were arrested in consequence, the whole of these numerous assemblages were at once under command. You have persons assaulted, and you have attempts at fire-raising, in various instances—attempts to set a house on fire where a most respectable person resides—you have persons assaulted in open day—in fact, no operatives, who wished to continue at their employment, were safe; and yet with all this, the object of this Association has not been obtained. It remains to be seen what they did next. You have evidence of people complaining that "nothing was done yet." The Association are at last reduced to want, living on the most miserable pittance, 9d. in the week. They had surrendered their souls and bodies, I might say, to the accomplishment of the object they had in view—they were goaded on to acts of greater atrocity; and the question we now come to, is, whether there is evidence that Smith was murdered by the orders of the Association, and whether M'Lean was the instrument on this occasion. In regard to the proof of the murder by M'Lean, you will have to consider the general proofs which you always have of a guilty person. It was said that M'Lean was going into England, and Montgomery was brought forward to prove this. I have no doubt, that when an atrocity is contemplated, that provision for an escape is made in time. M'Lean went to the Liverpool ship-master, this witness swears that he saw M'Lean in regard to a passage to America; but how could he go to America, when he had only got 3s. to go to England? How could he then, a person in the greatest poverty, contrive to pay £3 for a passage to America; and could he, without the aid of this Association, raise the necessary means to take him there, when he could not raise a few shillings to go to England? He gets a certificate of a particular kind, and we have it in proof, that it was for services which he performed. Montgomery gets another line; and perhaps he might have performed some services that might entitle him, according to the rules of this Association, to get it. M'Lean is in debt to the Association 13s. 4d. and that debt remains in the book. How was this to be got rid of? By evidence. What is the evidence given? They say there must have been an aliment due to M'Lean, and in granting the aliment, the sum due would be set against the debt. There would be clear evidence of this, if it were true; but there is no evidence of it. He remains a debtor in the book, and he receives this free line in recommendation; and, according to the evidence of the witnesses, it was only the secret select committee that could grant such a line, and grant such a discharge. Christie, in his evidence, says, that

M'Lean had desperate feelings against several persons. Then this minister took place: M'Lean prepares to prove an *alibi*. He writes out a list; his father employs another person to get the persons on the list to sign the certificate written out; and all this before he is apprehended; and his excuse is that he had been accused of assaulting a person of the name of Miller, of Lancefield, years ago; and being accused of that, his friends thought he might have been accused of this other crime of murder as well; and it was agreed on this account to have the defence prepared. Now, this defence of *alibi* is one of rare occurrence. Once it was of frequent occurrence, and when it was discovered that little credit could be in general given to it, it came to be considered the most dangerous defence that could be resorted to. In regard to an *alibi*, never one failed more signally than the attempt made in this case; and so great is the failure, that it is not likely that another of the same kind will ever be attempted to be carried through. Nothing is more easy than the framing of an *alibi*. All you have to do is to prove that the person who was accused, was at some other place at the time of the perpetration of the deed. Witnesses may swear every thing that is perfectly true, except as to time. They may be all assembled together at a certain time—they may all have seen the accused person at this certain time, and the only difference in regard to truth and falsehood, is that they make the accused person at this place, at the particular time the deed was perpetrated. There are no cases in which false swearing is so easy as in cases of *alibi*. It may be often resorted to; but the pannel who resorts to it, must do it under the certification that if he brings false evidence in proof of his *alibi*, the opinion formed in regard to it must be unfavourable to the pannel, that he was, in fact, the guilty person endeavouring to free himself by perjury. Now, how does the *alibi*, in this case, stand in regard to the several witnesses examined? How few of them speak freely on one point. They are persons engaged in the same pursuit—they had the same object in view, the concession of the masters to the will of the Association—they meet together, and preparation is made to prove an *alibi* for M'Lean, even before he is publicly charged with the crime. They are prepared by the prisoner himself, who gives a sketch of the certificate, and a list of the persons who were required to sign it. All that was required, therefore, was a difference in the time. It is evident that M'Lean's object was to be prepared with a legal defence. There is only a mile and a quarter between the spot where the murder took place, and Cameron's house. A small period of time was all that was necessary to make the difference between the truth and the falsehood. One of the witnesses who subscribed the certificate, says he was wrong only two hours; but a much shorter time was sufficient to go between Cameron's house or M'Ilwraith's, and the spot where the murder was committed. How does the evidence stand on this part of the case? In what do the witnesses agree? They agree about his dress; but there is not another circumstance in which there is any agreement between them. The first witness did not see Cameron at all that night; some say that Finlay did not even sit down after coming in; Finlay himself said he was there half-an-hour. One witness, when asked whether a song was sung, says there was, and another has no recollection of any song being sung. There is a constant non-recollection on the part of every witness, when any question is put to bring out any particular point. My learned friend and I, endeavoured to make out points to test them minutely. They had had ample time to confer, in order to come to an agreement, as to the evidence they might be called upon to give; and the only chance of detecting falsehood, was to try them by a series of particulars, to see if they agreed or not in regard to them. Nothing can be more suspicious, in this case, than the want of memory. A great many events may be forgot by the faintest and most honourable witnesses; but the case is different here. The minds of every one of these witnesses were directed to this particular point of *alibi*, from the time they signed it, till they were called on to give evidence. This murder had been the constant subject of conversation in Glasgow where they lived.

Their minds must have been directed to every one circumstance that took place, and if they would have spoken out, they could have given a fair answer to every question that was put to them. When you find then that these witnesses differ, you must have the complete belief that the whole of this *alibi* is fabricated to obtain an acquittal of the charge of murder against these prisoners. Wherein do they agree about the Landlord? Wherein do they agree in regard to the precise time when they were turned out by M'Millan, after or about 12 o'clock? It is clear from the evidence of M'Millan that Cameron, who is not called as a witness, and who knew M'Lean, that he was there that night, and there when his shop was shut up; and instead of their being turned out, and applied to for this purpose two or three times by M'Millan, M'Millan swears that other persons came into the shop after they left it, and went into the room in which they had been, and asked for Cameron to speak with them and that Cameron stood at the door of the room talking with them. It is clear that this story about being turned out by M'Millan at 12 or after 12 o'clock, is not true; for he swears that other persons came in afterwards, and remained in occupation of the room in which they had been not perhaps for a considerable time, but for some time after the shop was shut up. One witness says it was a funny song that M'Lean sung. Was that a thing, if it had occurred, that other witnesses could not have given evidence to? When asked whether any porter was taken into them, they say, nothing but whisky, and nothing but one glass, which was handed round. Now M'Millan distinctly swears that they were served with porter, at least at the beginning, and whether again in the course of their being there he is uncertain: so that in every one test that you can apply to this *alibi*, there are contradictions between the witnesses,—evident contradictions to truth. You are the judges of the truth of this *alibi*,—you saw the witnesses examined, and you are able to determine whether these witnesses have given true evidence or not. But, moreover, you are to consider what evidence there is. There may be strong grounds of suspicion, and there may be great difficulties occurring to your minds from the want of direct evidence; but you are relieved from those suspicions and difficulties by the evidence of a witness, which, if it is true, places this matter beyond the possibility of doubt. You have the direct evidence of the witness Christie. No doubt it will be put to you, if it is to be believed that a murderer will tell another person that he has committed a murder. How are murderers discovered? They are usually discovered by their own recklessness. Whoever committed this crime did not do it on the ordinary motives for which crimes are committed. There was no attempt to rob this man. The person fled after committing the murder. Smith himself stated that he was murdered because he was a nob in Houldsworth's mill. One of the three men who went down Clyde-street, the spot where he was lying, after the deed had been committed, bore evidence to this; and you have that evidence from himself again given deliberately when he knew that he was dying. He distinctly states, under the impression of death, that he was murdered on that account, and on that account alone; and there is no evidence more entitled to respect than that which is given by a person under the assurance that the period of his existence is approaching to an end. Smith gave that evidence; and there is a great distinction, to which you must attend, in this case, between the evidence of what a person may have said under an oath, and what is said under the impression of death. The oath is given in all courts most seriously and solemnly, that the witness shall tell the truth, as he shall answer for it to God, at the great day of judgment. This man, the murdered Smith, gave that oath with the consciousness that his mortal existence was at an end. He states his reason for the perpetration of the deed; and that it was done by this Association, in pursuance of their designs, there can, I presume, be no doubt whatever. I know you have had some evidence that there were other strikes—the strikes of other operatives—at the same time, moulders, brass-founders, and colliers; but there is no evidence of any of these having animosity against Smith. They could

have had no object in assassinating him ; and there is not the smallest room to believe that he was assassinated by any of these persons. It is clear that it was done under the authority of this Association,—under the instigation of those who had the affairs of this Association in their hands. Was it M'Lean that did it ? He has endeavoured to produce evidence that it was done by a person of a different description. Mrs. Smith said, that Mrs. M'Donald told her that the person who had fired the shot was a short set man ; and what is the weight of this evidence which was not given on oath ? I put no questions to Mrs. Smith, because I was anxious that you should have everything that she could say before you ; but the evidence of Mrs. M'Donald, not on oath, is very different from the evidence given by a person on oath. When not on oath, persons may tell whatever stories they please. Whatever Mrs. M'Donald knew, she did not give information of it to the authorities ; and she objected to information being given, and she died of typhus fever before any information was given to the authorities, according to which they might have had an opportunity to examine her. Her evidence contradicts that of others. She said she saw the flash as she was going up the street,—this is what Mrs. Smith says she was told by her ; but the husband differs in his statement of what Mrs. M'Donald told to him from his wife. Both of them agree in the statement that the person who fired the shot ran up the street, adjusted his hat, that he ran into a close, and that she ran after him. It is somewhat extraordinary that she did run after him ; because her evidence was that she did so, not because he had shot Smith, but that she was curious to know why he fired the pistol. This evidence does not agree with the account given by the widow of the murdered man. She did not see Mrs. M'Donald and her husband ; she only talks of the shadows of men, when she looked behind her, and Mrs. M'Donald and her husband were opposite to her. The story which Mrs. Smith and her husband tells, rests, therefore, entirely on hearsay ; and it rests on a description of the person who fired the shot different, in some respects, from the description of M'Lean. Have you any better evidence as to who committed the atrocity ? Is there any person to clear M'Lean ? You have all the other circumstances of suspicion against him. Look at the evidence of Christie. You have him stating to this person his designs to commit another atrocity on another occasion. You have him coming to Christie, and afterwards stating that he was the person that had done the deed,—that it was his "little paw" that had achieved it. You have him stating it on two different occasions, when no other person was present ; and it is endeavoured to disprove this evidence by proving that the bill, offering the reward, opposite to the shop, was not stuck up on the Monday, but on the Tuesday. It is a part of Christie's evidence that M'Lean made a sign, and pointed to the place where the bill was. Now, I wish you to look at this bill. You will observe it bears the date, "24th July, 1837." We have the best of all evidence as to the date of the bill, which is the bill itself. They wish you to believe that the bill was not put up till next day. The best chance of discovering the perpetrator was the putting up of the bill immediately. It is no evidence to prove that the bill was not stuck up till the day after. But I do not consider it necessary to dwell on this circumstance.

Let us see how Christie's evidence goes on ? What was the statement made to him by M'Lean, after the murder of Smith ? M'Lean said to him there was "no down,"—no suspicion entertained against him at the time, when Christie recommended him to go out of the way. Gentlemen, the evidence of Christie, along with all the other circumstances, is conclusive. Christie himself went out of the way : he swears that a considerable time passed before he could be induced to state what he knew about this murder. He was arrested by the authorities ; and it was only when he received strong assurances of protection, that he was induced to speak the truth. What possible motive could he have to give false testimony ? He comes not forward to claim the reward. This crime, like others, might have passed unpunished, and uninvestigated, had it not been rumours that reached the authorities of Glasgow, who have



shewn great zeal on this occasion, and the offers of reward would have produced not the slightest effect. Christie was examined several times; and at last the truth was got at. Who is this Christie to whom M'Lean reveals the deed he had perpetrated? He was a member of the Association—a person who had the same views as the others in regard to the war between the operatives and their employers—one who enjoyed the confidence of M'Lean. Persons who make such confessions as M'Lean did to him, are the persons who commit the most desperate acts. The statements he made, afford a complete proof that he was the murderer of Smith; and by his boasting, he seemed to be glad that he was the murderer. He looked upon it as a matter of exultation—as a service to that community to which he belonged, and to which no moral restraints or responsibility seemed to be attached. Another witness, favourable to the Association, and who was a member of it, Elder Dickson, swears that M'Lean used one of the same expressions to him that he had uttered to Christie, that one was “*asleep*,” completing it with a certain violent word. Is this a confession of murder? No: but if you compare what he said to Dickson with the confession he made to Christie, it is a strong proof of the truth of Christie's evidence. Take all the circumstances that bear upon the murder, the preparation made by M'Lean for leaving the country—the favour given him by the Society—his leaving Glasgow and disguising himself by cutting off his whiskers, his concealing his name, and assuming another, his agitation when apprehended—take all these circumstances, together with his preparation for procuring an *alibi*, and his confession of the murder to Christie, and you have, I submit to you, complete proof that M'Lean was the perpetrator of the deed. One circumstance, not the least striking of all that bears on this part of the case, is, that when the officer told him the charge was for murder, he made no inquiry as to the person whom he was charged with murdering. Several important witnesses were examined afterwards. Campbell appears to be a fair witness. He came into Glasgow from Kirkintilloch, on the night of Smith's murder, and went into a house in Calton, where there were seven or eight persons drinking whisky, assembled together in the room into which he was put. Sometimes the conversation broke out, although they were talking low; and among other things, some one of them said, “Smith will be shot to-night.” Another part of the conversation which he heard, was, that what was thrown was well packed, but not well thrown—this was the canister. They appeared to have drunk a great deal. Here you have the evidence of a deliberate plan; and this witness swears that these individuals were apparently cotton-spinners. Not only do they speak of the canisters being “well-packed, but not well-thrown;” but there escapes from some one of them, the expression, “Smith will be shot to-night.” Was there ever more convincing evidence that this was the deed, not of one, but of a number of persons, and that preparations were previously made for it? You have the evidence of the purchase of the bullets, and this corroborated by their being similar and corresponding to those which had been got from the person who sold the bullets. You have the evidence of William Smith and his wife, as to the alarm created that day around Houldsworth's mill. He and his wife went out—she was alarmed at the appearance of the persons there, and asked her husband in regard to it; he returned for answer, “God knows what they will do, for I have heard of their shooting in day-light.” On that very evening we have Campbell in the public house in the Calton, swearing to the announcement, “Smith will be shot to-night.” You have then the fact that Smith was murdered, and was murdered because he was working at the reduced rates in Houldsworth's factory. To this you have his own dying declaration in the Infirmary, on oath; and his statement to the same effect, when lying on the ground after receiving the shot; and you cannot have a doubt that this declaration is perfectly true. You have M'Manus, who describes Smith's fears in going through the Green. Then you have Thorburn, who saw Smith the evening he was shot, and who corroborates the other witnesses who swear that he was shot because he wrought as a nob. This witness speaks to various acts of the Association, as to which he gives direct evidence. He says that he had received money from Hunter to leave the country, for violence

which he had committed of a certain description. My learned friend asked how much money he got ; and he answered, 1s. 6d. from Hunter, to provide a bed, and told him he would get a sum to enable him to leave the place. He went away with the assurance of more money, which he received. The evidence of Thorburn is important in other respects. He speaks to the deed perpetrated on that unfortunate woman, widow M'Pherson, who wrought in Dunlop's factory, where females were employed. He speaks to another act : he was employed to point out a mob that worked in M'Phail's factory during the strike, whose legs were to be broken in consequence. This witness says he had a good will towards this man, and could not see that injury inflicted on him, and he avoided pointing him out.

Gentlemen, I will not dwell longer on the evidence. It is your province to consider whether this case has not been proved in all respects. The charge is laid alternately,—whether this Association has not committed all those crimes in one way or other. I say these charges have been proved. It has been the duty of the Public Prosecutor to bring forth the evidence of these crimes. I sincerely trust that an end has now been put to those atrocities. The persons who directed them have been brought before the eyes of the public, and the motives which induced them to the commission of those crimes have now been exposed, and, I trust, brought clearly to the intelligence and conviction of an enlightened and impartial Jury.

Gentlemen, you have discharged your duty in paying the most minute attention to the evidence in this case, and however painful it may be for you to convict any persons, you will feel it to be your duty to give your verdict according to the evidence, which will be satisfactory to your own consciences and to the country. It is proved that the object of this Association was to concuss the masters into their terms by violence to workmen—by attempting to set fire to factories and private houses—by writing threatening letters, and by M'Neil's writing the threatening letter, which has been read to you, in particular ; and with all these iniquities before you together, with the last, the murder of Smith, proved, as they have been, by a variety of witnesses, it is for you to judge whether they have been proved against this Association, and whether M'Lean, charged as the murderer of Smith, was not the instrument in the hands of the Association that perpetrated it. All the documents will be laid before you. You will attend to the letter of M'Gowan, which is important as connected with the case of Riddell, who had fled the country in consequence of his part in the assault on Donschy. This is an act which was perpetrated in the course of this conspiracy ; and the letter of M'Gowan is important, not as making a confession or stating a crime, but as showing the progress of the conspiracy, and that this person, although there is no evidence as to who he is, expected to receive certain individuals under his care, who had committed such an offence as that which was perpetrated on Donachy ; and he expressed himself afraid that his letters might have been intercepted, and the individuals taken up. There is clear evidence that this letter was found in Hacket's possession, addressed to him. Hacket carries on the business of the Association ; he is the life and soul of it ; and when individuals left the country, he is proved to be in correspondence with this individual, who was in Manchester at the time, and who was to have a place of safety in readiness for them. Riddell has been since arrested under the charge for which those persons absconded. You have the participation of this Association in all these crimes—you have letters written by M'Neil to Hacket, when in Manchester, describing the state of the Association, and one which I would recommend you to read, directed to him, and dated the 26th of May, in which he gives an account of the disbursements of the society for extraordinary purposes, which is of some importance, as showing the large sums of money which had passed through the hands of the Association, amounting to £11,881 : 6 : 6 since the year 1827. All these show you the nature of this conspiracy, and the means which they possessed, besides the sums which they furnished to other strikes, and to other purposes. You see the means which they possessed, struggling, no doubt, as they were, at one time with want and difficulty, and reduced even to the miserable pittance of 9d. in the week ; and

yet, for such objects as I have mentioned, they have expended a sum of money amounting to nearly £12,000. I submit, therefore, that you have evidence before you that these prisoners, the leaders and directors of this Association, are guilty of the great and atrocious crimes with which they are charged in this indictment.

(His Lordship occupied six hours in his speech to the Jury.)

Mr. DUNCAN McNEILL then addressed the Jury as follows :

Gentlemen, the evidence for the prosecution having occupied your attention for a period of six days, it was not at all unreasonable for the Lord Advocate to occupy your attention for only that number of hours in stating the import of the evidence led. In consequence of the arrangement between my learned friend Mr. Robertson and me, I am to limit myself to a part of the case, and I hope I will be able to put the observations I have to make to you into a small portion of time compared with that which occupied the Lord Advocate in his address.

I attend you on behalf of four of the prisoners, *Hunter, Hacket, McNeil, and Gibb*, more particularly. They are charged with all the offences set forth, whether of the conspiracy or the murder, and one of them is charged separately with sending a threatening letter. In regard to the most serious charge, that of murder, it is alleged, as the indictment now stands, that they perpetrated that murder by hiring McLean to commit the deed. It must be obvious to you that their defence is twofold. If McLean did not perpetrate the deed—if his was not the hand by which the deed was done, there is no charge of murder against the other four. But leaving that part of the case to my learned friend, who is to address you on the part of McLean, these four prisoners have this other defence in regard to the murder, that whether McLean was or was not the murderer, they are not the hirers of the person who committed it.

It is right that we should know now particularly what are the accusations against the prisoners, and, in particular, I shall direct your attention to this fact, which seems to have been too much overlooked, that as the prisoners are now on their trial for certain offences said to have been committed between the months of April and July, 1837, professedly charged with offences committed during that time, to these offences only they are called on to answer, and of these only can they be convicted; but by far the greater part—by far the most striking part of the evidence with which you have been for such a length of time occupied, has related to offences committed between 1818 and 1830, beginning at a period of nearly twenty years preceding the date of any of the charges preferred against them, and for which they are called to answer. And, Gentlemen, in regard to those matters, which must have made so deep an impression on your minds, enforced as they have been by the learned counsel who has addressed you so powerfully on the part of the prosecution, it is grievous, indeed, to my clients that these matters should have any weight in regard to their guilt or innocence; for not one word of these offences is alluded to in this voluminous indictment served upon them. The law of this country allows to every person accused the privilege of being informed what the precise offence is with which he is charged, that he may be prepared with evidence to rebut the accusation, and it imports that the acts charged are to be stated to him beforehand, with the time and place, when and where they were committed. But, in regard to any one offence prior to 1837, there is no statement of time, place, or circumstance. We could not consequently be prepared, and we are not prepared, to prove whether the acts spoken to were or were not committed. The Public Prosecutor has a power to state his accusation as he pleases. If he chooses to charge against the prisoners the crime of conspiracy, he may do so, and neither the Court nor the prisoners can prevent him preferring the accusation in that form; still, you must see the extreme disadvantage in which we are placed. I do not say that he should not put it in that form, but the effect of it is this,—these prisoners are brought here to answer for offences, as to which they had no opportunity of producing evidence. Here we are called upon to answer directly for offences committed ten, fifteen, or eighteen years ago, perpetrated, not by us,

but by other persons. I put it merely to you that you may see that in regard to what took place before 1837, we were not, and could not be prepared with any evidence. There is relevancy in the statement as to the history of the conspiracy; if not, we should have excluded it; but there is in it that degree of relevancy which enables the Public Prosecutor to go into it, and which gives it the operative character to which I have alluded, namely, the difficulty in which it places the prisoners. Then there is the conspiracy in regard to the threatening letters, and the murder. Towards the end of the indictment there is a charge of murder, directed generally against all the prisoners, without reference to the mode in which it was done. With this charge you have nothing to do, as it was struck out on an objection by the prisoners at the outset of the proceedings. But at page 32, there is a separate charge of writing a threatening letter. I will, in the first place, dispose of this charge.

The charge of sending the threatening letter, signed, C. T. addressed to Mr. Arthur, is directed against M'Neil, and my observations in regard to it shall be exceedingly short. I never saw a case put to a Jury with a demand for a verdict of guilty, in which there is less ground than there is in this demand against M'Neil. The charge is, that he wrote that letter, and sent it to Arthur, by putting it into the post-office at Glasgow. It is not proved that he wrote that letter, nor is it proved that he put it into the post-office of Glasgow. What is the evidence that M'Neil wrote that letter? The evidence is entirely and exclusively the evidence of certain engravers, who were desired to examine that letter with the signature to his declaration, and a short minute containing certain names; and Gavin, Clark, and Wilson, were examined on that point, and gave their opinion that it was his handwriting. Then there is the evidence that the letter was shown him when apprehended, and he positively denied that it was his handwriting. The evidence, therefore, rests entirely and exclusively on the opinion of the engravers. Gavin thought it was written in a feigned hand, though not in so feigned a hand as some other letters, also exhibited. But although three men of skill were examined, no persons were examined acquainted with his handwriting, still less any person who had seen him write. Now, on the subject of the proof of handwriting, there are three kinds of evidence in the law: *First*, the evidence of people who have seen him write the letter, which is the best evidence. *Next*, those who are acquainted with his handwriting. The *last* and lowest is that of persons who examine it, men of skill, as they are called, who express their speculative opinion, whether it is in the same handwriting as that on another piece of paper before them. So little is that kind of evidence reliable in the sister kingdom, that it is not received at all; and, in this country, it is treated as a kind of evidence that may be received when no other evidence can be brought forward; but it is evidence that is considered of the lowest kind, if it can be called evidence at all. There is no other evidence whatever, of M'Neil's writing that letter. There are various other letters sent to various other persons, not alleged to have been written by M'Neil. The opinion of the best authorities in regard to this state of evidence, unequivocally corroborates the statement that I have made. (Here the learned gentleman quoted from Hume, Alison, and Burnet, and Phillips, writers on the criminal law, and law of evidence.) I say again there is no authority for holding that that species of evidence is of itself sufficient to establish against any party such a charge as this. Now, M'Neil was the secretary of this Association. The Prosecutor examined a number of members of the Association, some of them, you would observe, willing enough witnesses, but not one of those persons has sworn that that fictitious letter is, in his belief, in the handwriting of M'Neil. Therefore, I say there is no evidence that he wrote it; and certainly, there is no evidence that it was put into the post-office in Glasgow. The mode of sending this letter is especially stated. It is not the writing of the letter; but it is the writing and the sending of the letter. The Prosecutor states, that it was sent by being "put into the post-office at Glasgow." There is no evidence produced that it was put into the post-office by M'Neil, or by any other person, at Glasgow. If it was put into the post-office in London, or in any other

place, and had the Glasgow post-office mark, would that be evidence that it was put into the post-office at Glasgow? We brought evidence that it was *not* put into the post-office at Glasgow, but into the post-office at Neilton, in the county of Renfrew, 9 miles distant from Glasgow. This charge, therefore, I set aside; and, I believe, that you will consider it as set aside along with the charge of murder, as stated in page 38, which the Public Prosecutor deemed it expedient to depart from.

Let us now look to the charges of conspiracy. It is set forth in two ways: First, that these prisoners conspired to raise and keep up the rate of wages, by means of threats, assaults, &c. and so forth. Secondly, They conspired to do so, not only by these means, but carried them into execution. You are not trying them for the separate acts of violence which were done; but for a conspiracy to raise the price of wages, for doing these things, aggravated by the circumstance that they were actually done. The statement given against them is this: the Prosecutor says, that an Association was formed in Glasgow a great many years ago—that it was an Association to keep up the rate of wages—that it bound the members by secret oaths—that, occasionally, it directed the members to strike; and that they did strike—and it sometimes happened, that they conspired to do certain deeds of violence, to forward their object of raising the rate of wages. Then it goes on to say, that they were members of that Association; and that in April, 1837, a strike was ordered; and it is in reference to the things done then, that you are now trying the prisoners. The things that were done, under this strike of April, 1837, are set forth onward from page 9th in the indictment, and they consist of various acts of violence—one, for instance, at Oakbank, and another at Mile-end. I will relieve you so far, that I am not going into an investigation of the question, whether each of these acts of violence took place at the time and place mentioned. I am not going to dispute, that, at Oakbank factory, Farmer and Gordon were assaulted, and that a mob did surround the factory; and I am not going to question the facts that a person of the name of Keddy was convicted for a certain act relative to Mile-end. I do not dispute the fact, that Gray and Kean, who worked in the Adelphi, were assaulted; I am not going to dispute the fact that Arthur received certain threatening letters, and Bryson also; I am not going to dispute that Donachy was assaulted, or that certain things were done at Hussey's mill, or certain things were thrown into Wood's house, or that John Smith was cruelly murdered on the night in question. None of these things am I going to dispute. I dispute not that each and all of them were done; but the defence I make is this, *that the persons for whom I attend you had nothing to do with the perpetration of any one of them.* There is not the slightest evidence that any one of them was actually present at the perpetration of any of these offences. I do not think it is intended to be alleged that they were; at all events, if it be intended, there is not a particle of evidence in support of it. But the theory of the Prosecutor is this: Although, says he, you were not there, you conspired to do these things—you hired and instigated people to do them; and he goes the length of stating further, in reference to each and all of them, the precise sums which were paid or given by my clients to the perpetrators of these different acts. With the exception of a letter, which I shall speak of, in reference to the attack on Donachy, and with the exception of the arrangements in regard to the conviction of Keddie, there is not a scrap of writing to connect my clients with any of the offences committed after the month of April, 1837. The documents, the books of the Association, all the writings they possessed, were suddenly and unexpectedly seized by the public authorities, the houses of the office-bearers searched, every thing found there is produced, and there is not found a single scrap of writing referable to any of those acts said to be perpetrated in 1837. Therefore, there being no written evidence connecting the Association with those offences perpetrated, or said to be perpetrated, then there can be no parole evidence except in reference to Donachy and Keddie. The Prosecutor is driven to infer the guilt of these prisoners from a theory of conspiracy which he has chosen to set forth; but is there any thing in the evidence you have heard

adduced to support it? The charge is—that in April, 1837, they conspired to appoint a guard committee—that in May, they conspired to burn Hussey's mill, and hired men to do so—that in June, they conspired to appoint a secret committee to perpetrate certain acts of outrage, and that these acts were perpetrated in pursuance of that appointment.

A great deal of evidence has been adduced, not in reference to any conspiracy formed in April, May, or June, 1837, but relative to what is said to have been the previous history of the Association, to lead you to believe that a conspiracy was formed in 1837. First look at the matter in reference to what is truly the charge, and see what kind of a case the Prosecutor has. Let us suppose that we had not here the previous history of the Association, which is not the specific charge—let us look at the case as if it had been in 1837. The Prosecutor says he has proof that there was a secret committee appointed in 1837—that the names were kept secret, but the purpose well known to the trade—that the purpose of it was the destruction of life and property, and having established that proposition, he shews that property was assailed, persons assaulted, and life taken. Now, says he, having proved that a secret committee was formed for such purposes, I am entitled to conclude, when the assaults follow, that the one is the effect of the other. Undoubtedly there was a strike of the operatives at that time—undoubtedly mills were beset by numbers of persons, and guards attended, and persons connected with mills were sufferers. But the *first* step is wanting. The Prosecutor's own statement is not that this Association was in itself a combination against life and property. He admits that there were legitimate purposes connected with it,—he admits that an Association of people to keep up the rate of wages is a lawful resolution and agreement. Since 1825, or thereabouts, there can be no doubt that it is lawful to do so. Previous to that time, combination was not allowable by the statutes then in force, and I admit that at that time there was a certain degree of secrecy in regard to their proceedings. But now it is admitted that the cotton-spinners are entitled to arrange and resolve that they shall work at a high rate of wages, and not work at a low rate of wages, and that they are entitled to withhold their labour when they please. It is lawful that they should support themselves in the best way they can, and that they should contribute to each others support; but undoubtedly no man can doubt the proposition that they are not entitled, in pursuit of that object, either to control other persons, or to perpetrate acts of violence against the persons of the proprietors or other operatives. But the resolution not to work is lawful, and, therefore, so far there is in this Association, a lawful purpose. But the illegality with which they are charged is that they formed a particular conspiracy, and the manner in which the Prosecutor has stated that conspiracy is materially worthy of your notice. If it was set forth that the Association itself was unlawful, and the being a member of it a crime, then I would understand it. This would implicate almost every cotton-spinner in Glasgow. But that is not the charge. What he says is, that certain conspiracies were formed in April, May, and June; and he works out that proposition by shewing that they proceeded to nominate certain persons as a secret committee to find out and hire persons to commit acts of violence. His whole evidence goes to that. Is that proposition made out here? The Public Prosecutor states that on 14th June, these persons met and appointed a secret committee, and that, this secret committee, along with the prisoners, planned and perpetrated those acts of violence. He brought one witness in support of that—his first witness, Moat, who speaks on the subject. He says he was present at a meeting when it was proposed to appoint this secret committee. There is no mistake as to the time. It was on the day on which Dr. Taylor addressed the operatives on the Green. The Sheriff of the county, and other witnesses, fix that day to be the 14th day of June, and the Public Prosecutor says that it was on the 14th day of June. Moat went to the meeting in Smith's Tavern at 8 o'clock that night. He has fixed the place and the particular room in which the meeting was held,—it was in the kitchen, or general committee room. He has fixed the meeting,—it was a meeting of delegates. He has fixed on some of the individuals who were present; and he

said it was the last meeting he attended. Now, there can be no mistake as to what Moat meant to say, and did say. Most of his statements were given, not like those of ordinary people, stating that such and such things was the fact; but his language is, "I would understand—I would infer—I would suppose,"—these were the modes of his expression; but so far as he was positive of any thing he specially fixed the day and the time of the day, the house, the room of the house, and the number of people that attended, and as to these there is no doubt at all. Now, observe that Moat is the only witness who says that in 1837 he heard any proposal made for the appointment of a secret committee. He does not carry it the length that he was present at the meeting when they were appointed; on the contrary, he was present at no meeting after that one where the proposal was made to appoint this committee. He states farther, that the proposal involved a change in the mode of appointing it. In 1824, the directors gathered in the votes from 12 delegates, and these persons appointed a committee of three of their number, by saying, you are to be the director, you treasurer, you secretary. But in 1837, it was proposed to be done in a different way altogether,—it was proposed that each shop should send a name worthy of holding that office, and these names were to be put into a hat, and some member was to draw by ballot three persons. Not only is the statement that there was a secret committee formed, who had the direction of the whole affairs of the Association, but to establish this, Moat says that he heard the change as to the mode of the appointment proposed. He does not, however, say that it went any farther than being proposed: he does not say that any persons were appointed, or that names were put into a hat. All the length he goes is, that there was a proposal made to appoint a secret committee. Now this is falling short of the kind of evidence necessary to establish the appointment of such a committee, necessary to establish the existence of what the Prosecutor maintains to be the secret power that was to carry into execution those purposes of atrocity. But how does Moat's evidence stand in reference to the evidence of others? Not a human being supports him in it,—not only so, but he is most materially contradicted, first by the Prosecutor's own witness, Mr. Dickson, the elder, and then by a great number of other witnesses who were present at that meeting: and I think, if I understand the Lord Advocate, he does not any longer dispute that on that night, the 14th of June, in the house of Smith, Black Boy close, there was assembled, in a room of that house, a meeting of delegates, at which Dickson was in the chair, and in which meeting no such proposition was made as the appointment of a secret committee. Oh! but there *might* be a meeting of the committee of supply after that, and the proposal for the appointment of the secret committee *might* have been then and there made. To this there are conclusive answers. The meeting Moat talks of was one that he went to at 8 o'clock. That is impossible, for the very room is occupied at 8 o'clock by another set of people assembled there. But, says the Lord Advocate, this meeting at which Moat attended might have been in another room. This will not do; for a small committee of 12 is not set forth in the indictment. This story of Moat's is disproved absolutely and completely,—there could have been no such meeting or proposal that night. As there is no mistake as to the night, to the time, or place, or nature of the meeting, it is clear that Moat is here stating what is not, and cannot be true. The only confirmation he gets is from Cowan, who says that there was a notice came to the shop in which he wrought, to send a select delegate, in order that the secret committee might be appointed. He does not fix the particular time; but says that William M'Graw was the delegate from his shop. M'Graw was a delegate, and he was examined, and he was at that meeting of the 14th of June in Smith's house; but he gives the same account of it that is given by others. It was the meeting in which Elder Dickson sat as chairman, and at which no proposal was made to appoint a secret committee. Moat said that certain other persons were present at this meeting, who were examined, and they also negative his statement. He fixed on a wrong chairman. Gibb was a person that was put into all chains, and, says Moat, Gibb was in the chair at this meeting of the 14th.

Dickson, it is said, was not a delegate, neither was Gibb a delegate. Moat, in this statement of his, stands unsupported; not only so, but absolutely contradicted by a great number of witnesses. There was a supply committee of twelve undoubtedly; but they were not secret in their meetings, and none of their names were concealed—they were perfectly known to all, and their names were written in some of their books. Their purpose was obvious—their use very plain—to obtain supplies to pay the alimant. This was not the secret committee. Moat's statement is, that it consisted only of three, who had the power to do such acts of violence; and this was the mode by which they were perpetrated. Yet, it is strange the attempt was made to set fire to Hussey's mill *before* the proposal was made for the appointment of this secret committee. The two first charges of assault are in the same predicament; one of them on the 8th or 9th, and the other on the 15th of May, and the attack on Hussey's mill is on the 23d of May. Moat's statement is, that three persons were appointed. Who were they? Oh! it is idle to ask that, for their names were concealed. They were not the committee of supply, consisting of 12. This committee was appointed on the 10th or 12th of April, and was not the secret committee proposed to be appointed on the 14th of June. The theory of the Lord Advocate is, that the proposal was made to appoint a secret committee on the 14th, and that they had the management of those things, and they are not the committee of supply. It might be competent to prove that three were appointed out of the 12, and that three of the prisoners at the bar were elected; but the first step is to shew that there was a secret committee appointed; and, with the exception of Moat's statement, there is no evidence of that kind whatever, except it be what Christie said as to its being well known to the trade that the secret committee was on, and Christie had ceased to be cotton-spinner. This is most material, because it is the basis of the Prosecutor's case. He does not say that there were 800 men who had a secret purpose to do an act of violence,—this is not his theory. His theory is, that a small number were appointed, because those particular acts were contemplated, and that always when such acts were contemplated, such a committee was appointed, and that no such acts were contemplated except through the instrumentality of this secret committee. We have no such committee proved to be in existence. We have an Association, and we have acts of violence; but is every man who is a member of that Association to be responsible for those acts of violence? Let us take the Prosecutor's story—let us have an intelligible account, and let us have evidence that supports it. I ask, have we that here? Not a particle of it, except Moat's story. Therefore, so far as we have to deal with Moat, he is completely contradicted: he had not the appearance of a man coming forward to confess his sins, as the Lord Advocate said; he did not make any communication to the authorities, which seems to be the Lord Advocate's text; at all events, he did not do it till the reward was offered, and I think, from the statements of Sheriff Alison, it is plain who gave him that information. Now, if there is no evidence of the appointment of a secret committee except Moat's, and the suspicion of Cowan and what Christie said, I do not see how the prisoners are connected in any way with those acts of violence done on other cotton-spinners. The supply committee is no way offensive: Hunter is president of that committee: nobody says he was president of any other; and there is no evidence that he was ever in the chair at any other meeting: and to this committee no crimes whatever are traced or can be traced. Hackett is treasurer, McNeil is secretary, and Gibb assistant secretary. These were all offices connected either with the supply committee or with the purposes of the alimant, or receiving of contributions, but that any of these persons were members of any secret committee to perpetrate acts of violence, we have no traces except one circumstance, and that circumstance we derive from the speculations of Moat and the witness which followed him, which is the certificate given to M'Lean. Moat says that it is not an usual free line,—it is not a line given by his shopmates, which is the usual free line: it is a line by the Association itself, and, moreover, he looks into the book of debts, and he finds M'Lean in debt to the Association. Now, as the secret committee is omnipotent, the secret committee



might so far violate the established laws as to give a free line to a man that was 9s. 3d. or 18s. 4d. in debt; and this line is so given. And, says Moat, "*I would naturally consider,*"—(and, Gentlemen, this is worthy of remark.)—"that M'Lean had done something to deserve the line, and that the persons who signed it were the secret committee." This is the way in which it is put: first, the men who sign it are not three, but four—rather inconsistent with the secret committee of three; but farther, he had said before, that if the man was to leave the country, the line must be stamped, and the committee must put their names to the line too; and, accordingly, you have it in evidence, that a great many certificates were given to persons by the supply committee; and one of those granted is of the same date as M'Lean's. If a man were going away to a distant part of the country, or out of the kingdom, it was right that he should be certified; but it would have been a strange thing if persons whose names were then kept secret, would put their names to certificates at all. This is the most lax way of going to work I ever heard of. Because M'Lean is in debt 9s. 3d. in 1836, four sane men put their names to that certificate, to identify them with that line—to prove that they were the secret committee, if any one of 800 men should bring it to the proof. That is the theory of the Prosecutor. Murdoch says, in corroboration, that he had seen a certificate of that kind before. Very suspicious this. That happened, he said, when he was a member of the select committee; but this committee acted openly,—their names were perfectly known. He saw one that was sent to America; it was given in favour of a man who applied for it under a fictitious name: he did not know, but he supposed so; he thought it was sent to a person of the name of Dunlop; and this select committee gave him that certificate, which was not given to an honest man, to brand him as a culprit. Such a certificate, says the Prosecutor, is only given to those who perpetrate those crimes. Strange it is that M'Lean was going away, and taking one in his own name! In place of carrying one with him in an honest way, he carries one with him that stamps him with a crime—brands him as a criminal. This story is nonsense. The fact is, that when a man was going out of the country in quest of employment elsewhere, during the time of a general strike, he gets his certificate from the supply committee signed by its office-bearers, instead of getting it from the shop, when they are not assembled together as when they are at work, and when there are few opportunities of them communicating together. This is the rational way of accounting for such a certificate; the other is wholly irrational and unintelligible, and except this certificate, I see nothing whatever to connect any of these prisoners with the alleged secret committee, supposing it existed, of which there is no proof. There was a guard committee, and I do not think the Lord Advocate said that it was the secret committee. It would be strange if he did; for he has put in evidence the names of this guard committee, who are walking in safety in the streets of Glasgow; and it would be strange that while he has their names, he would allow them to walk in freedom there, if they had composed the secret committee, and have these prisoners at the bar. The prisoners were not members of the guard committee, for they are found sitting in another part of the town. What evidence, I would ask, have we that these prisoners were members of the secret committee? I am at a loss to conjecture. But, Gentlemen, crimes were perpetrated. Undoubtedly there was a guard committee, and guards were appointed, varying from two to six or eight people at some mills—some more, some less. The purpose of the appointments of these guards is differently described by the witnesses on the other side, from the witnesses on our side. All agree in regard to certain purposes: one purpose was to watch whether any of the members receiving alimnt were taking work at a lower rate of wages than resolved on by the Association, and at the same time were drawing their alimnt, contrary to the rules of the Association. This was one of the purposes stated by all the witnesses; another was, to see how many new hands were going into work, and to judge whether it was expedient to continue the strike. So far there was nothing wrong. A third purpose was, that they should endeavour to persuade the persons taking work to join the Association and abstain from working at the rates not approved of by the As-

association. I do not think that this was a creditable or proper proceeding; but it does not follow that it is criminal. But then some of the Crown witnesses add a farther purpose, viz. that if those people would not leave off working by persuasion, they were to be maltreated and assaulted. Any molestation would be criminal, and, accordingly, the Sheriff did institute certain proceedings. The act that repealed the combination laws has a clause that such persons should be subject to trial before the Sheriff of the county, and should be liable to a punishment not exceeding three months' imprisonment; but it is singular that we have no evidence that any of the persons who were tried before the Sheriff were either members of the guard committee or were acting as guards. There were from two or three to eight at each place; and a number of the persons' names, who acted as guards, have been proved to you in evidence, and not one of them was tried or convicted for having perpetrated acts of violence on cotton-spinners. Farmer and Gordon, who were working at the Oakbank factory, were assaulted by a mob, consisting of men, women, and children, and other operatives than spinners; but there is no evidence that any one of the guards had any thing to do with these proceedings. The Sheriff gave instructions to take some of the crowd prisoners at Mile-end factory. The crowd had increased there, and were pressing on the police-officers, who were hardly able to do their duty; and Keddie, being nearest to the police-officers, was seized, not because he was attacking nob at the mills, or committing acts of violence in a crowd, but because he was pressing on the police-officers. So that although the Crown witnesses say that the guards were instructed to use violence against them, if they could not persuade them by fair means, there is no evidence that the guard committee or the guards ever perpetrated any acts of violence.

Another class of the acts charged is the sending threatening letters. Have we the slightest evidence that it was the practice of the Association, or that it formed a part of its history, to write threatening letters, or that any one of its members did so? In regard to the threatening letter to Arthur, the Prosecutor tries to fix it upon the secretary of the Association. This is not proved. In regard to the fire-raising, is there any trace of any member of the Association throwing a canister into a gentleman's dwelling-house, or throwing combustibles into Hussey's mill? Some persons must have thrown the canisters, and perhaps the combustibles; but there is no trace whatever that this was done by members of the Association, except you take the evidence of Campbell, from Kirkintilloch, and consider the talk he heard in the public house, where not a word about the Association was heard, as proof that these acts were done by members of the Association, or by order of the Association. All you have against the prisoners is this: in the first place, they were members of an Association which had a lawful object. In 1837, this Association struck, which was not an unlawful act. The men received alimony,—this was not unlawful: none of these things are the crimes charged. They are charged with conspiracy, and as to it there is not a particle of evidence, unless you infer that, because crimes were committed, there must have been a conspiracy, of which these prisoners were members, not that some of them might write a threatening letter to a man whom he disliked—not that some person or persons threw canisters into a dwelling-house, and combustibles into a mill, but that the Association appointed a secret committee, and that this committee hired men to carry those things into execution. I say, there is no trace of this at all: it is a strong, extravagant inference to draw, and for which there is no foundation. I repeat, that, excepting the allegations and the speculations of Moat, there is no evidence at all that any of these individuals were members of a secret committee, or had any thing to do with the acts of violence committed. The attempt to make out a case by going back into the past history of the Association will not do. We could bring forth no evidence in regard to this, because we did not know it was to be brought forward. What are those acts? You have a string of acts stated by Murdoch resting entirely on his own statements, which we could not be prepared to meet. He begins in 1818, and comes downwards, when it does not appear that any of these people were members of the Association. He

comes to the case of M'Quarry, who was fired at in the Green of Glasgow, on which the Lord Advocate laid much stress, as being a most important part of his case. Except that Murdoch said so, I do not see that there is any evidence whatever that this was the act of the Association—except that Murdoch made the statement, that M'Quarry was fired at, I do not know there is any evidence in support of this fact at all. Mr. Selmond, the procurator fiscal, who was in the witness' box, must have known something of it. Stephen Campbell, Murdoch says, was paid money for this act, and the Public Prosecutor did not call Campbell to speak to this, because it would give him impunity. I do not quarrel with the spirit of that observation, so far as regards impunity, but I do not hear that he is proceeded against for this deed. Farther, Murdoch says, that Thomas Lochray was present, and saw the act done. Why, then, is not Lochray brought forward to confirm that act? There was no need to give him impunity to prove it. I see nothing, therefore, of the fact of M'Quarry being shot at, but that Murdoch chose to say so. Certainly it must be considered as a strange thing if such an act took place in day-light in the public Green. I am sceptical in regard to it. If it did take place, surely there was plenty of evidence to be had to prove it, whether the perpetrator of the deed was known or not.

Then there is a statement about Widow M'Pherson: there is no confirmation of that. An old woman is murdered by certain persons breaking into her house, and by mistake for her daughter, and nobody knows any thing of it at all till Murdoch reveals it. I should like to have seen some credible witness to tell me something about it, but no witness is brought forward to corroborate the statement of Murdoch. Then we are told about the case of Cairney, who had vitriol thrown upon him. I believe this to be true; but who perpetrated that offence? He says, that M'Donald and Millan were impeached of it, and that they and their wives received alimony; but does it follow that although they were charged with it, they were guilty? Millan was acquitted, and M'Donald never was tried for it. There is, therefore, nothing in the circumstance that alimony was given to these persons, to shew that the Association was promoting crime. Although these persons had been convicted, is it any thing against the Association, that while they were charged with the offence, and until their conviction took place, that alimony should have been given to them; and even if they had been convicted, is there any thing in the circumstance of an Association, formed for the support of the members of the body, that they should give something to the wives and children of those persons who were now unable to support them?

Then Murdoch mentions the case of Graham, who was shot. I believe it to be true that a person of the name of Graham was fired at. He tells us about a claim being made on the Association of £20 for this act, and that Patterson supported the claim. Patterson is alive, and he has not been brought forward to prove this. We did not know that such things were to be brought forward, and, therefore, we are not prepared with evidence to rebut them. But the Lord Advocate knew of them, and he might have brought forward other persons in support of those statements. Then we were told about Walker shooting at the house of Brown, and that an attempt was made to get him off, by procuring false evidence. But this is not a likely story, as Walker himself was disposed to plead guilty, and did plead guilty, and was transported for this act. All that Murdoch says is, that it was proposed to get false evidence, to swear that Brown hired persons to do it himself, and he does not say that it was he or any body else that proposed it, or that it was approved of when proposed. This fact is also wholly unsupported, except by Murdoch.

Now, all these acts occurred between 1818 and 1830, in regard to which we could not be prepared with opposite evidence. There was something said about collieries, but no such word appears in any of the schedules that have been produced. I say again, that it is not fair to go back to these dates, and on such charges try to get a conviction against the prisoners.

There are some documents found in the repositories of the Association, and among others a Bible. My own feeling in regard to the oaths is this, that at one

period of the Association, some persons were sworn, and at another period, there were no oaths taken. One witness states, that there were three different oaths, one worse than another; while other witnesses, Smith, for instance, said that he came under an obligation, but took no oath; another that he did take an oath; and a great many said that they took no oaths. I believe that persons whom they were not very sure about, during the existence of the combination law, were sworn; but there is no witness that said he had seen an oath administered for five or six years past. The question here is not as to the legality of taking oaths, and there is no evidence whatever of any such thing being put in practice for the last five or six years.

One of the documents founded on particularly is a paper found in possession of the Association, called the emigration scheme. The Solicitor-General fell somewhat into a mistake in giving this as the rules of the Association. It is a very different thing from the rules,—it is a scheme for emigration, in whose handwriting we do not know. There is no doubt of the fact. Mr. Hamilton satisfied you of that. One of the purposes of this Association was to enable its members to emigrate with their families; and Mr. Hamilton told you that a great many passages were taken out by cotton-spinners. The Association had a plain motive for inducing persons to emigrate, and it was part of the object of this Association to enable them to do so. No. 60, as explained, meant idle men; and much stress has been laid upon the entry, that No. 60 shall receive £5 for every man they unshop. The Lord Advocate says, that this being found in their repositories, is evidence that they intended to do violence, to unshop by violence. Where is the violence? There is none here. His Lordship will have it that this means violence. It was an object for the Association to get nobles to leave their shops, and means of persuasion were used to effect this; and I see no ground for concluding, that because of this entry violence was intended. Read the next sentence, and you will see the fair meaning of the entry. It is this:—"As this body has always respected the laws of their country, wishing rather to protect their union by moral force and public opinion, than to have recourse to measures of an opposite nature, let it be distinctly understood and duly inculcated to every member; that if No. 60, or idle men, commit themselves in point of any violation of the laws of their country, they must themselves alone be responsible." Is it fair to fix on one sentence to prove that violence was intended, in order to unshop, while the very next sentence shews that the object was not to commit violence? The Lord Advocate says, "I have detected you,—I have had your schemes laid bare, which you imagined would not meet the light of day." Why, then, you the passage which I have read if it was not to meet the light of day? The writing of this passage is in itself a proof that the object of the Association was pure, in so far as it is concerned.

Another writing on which the Lord Advocate founds is the passage at the end of the book, No. 6 of inventory, which his Lordship says contains the minutes of the Association. This book is said to be kept by Gibb, and Gibb tells you that he did not keep it as a regular minute book, but kept jottings of things that passed when he was in the chair. This book, you will see, accordingly contains jottings with a pencil and sometimes with ink, and has not the appearance of a regularly kept book. The objectionable jotting bears, that a "prosecuting" committee was to be appointed to come into operation at the conclusion of the strike. It would be a curious thing to put down this in writing, if the object of it had been acts of violence. Why not as well put down the names of their secret committee, if there had been such a committee? But, says the Lord Advocate, when Hunter was examined, why did not he, the president of the Association, explain this prosecuting instead of persecuting? There is no evidence that Hunter ever saw this book. It was found in the repositories, in a lockfast place, and there is no evidence that he kept a key to it; therefore, it does not necessarily follow that it should have come under the observation of Hunter. Gibb tells you that it was a motion for a committee to "prosecute," and he is the one that can tell you best about it. The Lord Advocate does

not bring a person who attended that meeting to say that he heard William Johnston move that committee. The question was not put to Moat, and he does not say that he ever heard any such resolution proposed. We have this resting on a bare statement, that there is a book with this writing in it, and my statement and explanation of the passage, is, that this "persecuting" committee was a committee to "prosecute," and ought to have been written "prosecuting committee." Whether it may not have been written as a quiz on the profession to which I have the honour to belong, I do not know; but so it is, that it is written "persecuting committee," and my explanation is a fair and a natural one, that it was intended to mean a "prosecuting committee." I read in this book abundance of errors in orthography. I see here three errors in orthography in five lines, and one total perversion of meaning. You will look at this book, and see its many orthographical blunders, and judge for yourselves. We brought several persons to prove that Johnston made a motion for a prosecuting—not a persecuting—committee; and, at any rate, there is no proof that a persecuting committee ever was appointed. The nature of the prosecuting committee was explained by the witnesses which we brought forward. The emigration scheme was in progress, and several had got their £10 upon a bill, which would be put in force against them if they took work in this country within three years: and this committee was to pursue or prosecute those individuals who had received the £10, and violated the engagement they had come under.

Two or three other documents were founded on by the Lord Advocate as connecting the Association with those acts of violence; and one class of them are some letters said to have been written by M'Neil to Hacket when in England, and which contain, among other things, a statement of the application of the funds of this Association; and as to those three letters, I think, if there was not evidence that the letter to Arthur was in the handwriting of M'Neil, there is still less evidence that these letters are in his handwriting. The evidence of Mr. Gavin, the engraver, upon whose intelligence I put great reliance, goes any length but to show that they are against M'Neil. He says I think they are in his handwriting, but they are disguised—more disguised than when writing a threatening letter! This seems ridiculous. If a letter is found with my name in a disguised hand, is that not evidence that it is not my letter?—but from that the Lord Advocate concludes, that, therefore, being disguised, it is in the handwriting of M'Neil. I would conclude that, therefore, it is *not* in the handwriting of M'Neil. The principal thing founded on by his Lordship is the statement of the application of the funds as if for the year 1837; but the statement is from the year 1827, running over a period of ten years. If this truly be the letter of M'Neil—a private letter—stating the appropriation of the funds of the society, it is strange, if they are in a state of conspiracy, that there is not a statement in this writing, that there is a single farthing paid away to any illegal purpose. Supposing it were the handwriting of M'Neil, it rather goes against the prosecution than for it.

Another document founded on by the Lord Advocate is a letter from a person of the name of M'Gowan. I do not know who this M'Gowan is, or what he is. The Lord Advocate has not proved the handwriting of that letter to be the handwriting of any member of the Association. He says it is written by somebody at Manchester, and about some of those who attacked the house of Donachy. Whether Riddell attacked that house or not remains yet to be seen. In the meantime, this letter does not name any of those persons,—it does not allude to the attack on Donachy; all that is made of it is, that it relates to six persons, not the three, who are charged with this offence. I do not see how it can be made to connect with these three persons at all.

The only other writings of any moment are the schedules in which the expenses of the Association are entered. The dates of the schedules we have not. We do not know to what period they refer,—whether they refer to 1837 or not. There is no evidence that they are within the range of the indictment. Besides, there is nothing illegal in the face of them. The whole of the sums are perfectly

accounted for by the application of the money for refreshments to guards, and to the payment of alimony. Even Moat and Murdoch admitted this.

There is a part of the case which I feel some difficulty in knowing exactly how to deal with, because I did not expect it would be made use of as it has been,—I mean the proceedings that took place after the conviction of Keddie; although it does not affect my clients at all. Keddie is convicted, and others are to be brought up for trial. Mr. Gemmill, the agent for the Association, offers to make an arrangement with the Association to remove the guards, if Keddie is not sentenced and the others not tried. The Sheriff readily goes into this arrangement, and the agent proceeds to use his influence to have the guards removed. A meeting of the Association is held. He makes a statement to them;—he does not go to the secret committee, but to a meeting of the Association. He addresses this meeting, and states the position of matters. The Association agree to withdraw the guards, rather than that a number of the members should be convicted, and imprisoned, for what they did not conceive to be an offence—walking with their hands in their pockets—and also to use all the influence of which they were possessed not only not to encourage, but to discountenance molestation and violence. The guards are accordingly withdrawn; and now, when tranquillity is restored, it is made a proof against these prisoners of conspiracy to commit violence,—that the Association withdrew the guards, and used their influence to prevent acts of violence! This is adduced as evidence that they were concerned in such crimes, because they used their influence to prevent them! A question was asked, did the Association of Cotton Spinners publish any declaration of their proceedings before Mr. Gemmill's meeting? and because they did not do so, it was meant to be inferred that they designed to countenance acts of violence; and then when they adopt this very proper resolution, and use their influence with all the individual members, that again is made an argument against them that they have power over the Association. If you use your influence to assist the authorities, why then, says the Lord Advocate, I will convict you because you have influence over the Association. The Association most properly agree to withdraw the guards, though the appointment of guards is not illegal, and although no guards are proved to have committed acts of violence; and, observe, the fact is that they do publish their resolution, which is a proof of their sincerity. But, says the Lord Advocate, this is a proof of their *insincerity*. What, then, are we to do? If we do *not* do anything, it is a proof of guilt,—if we hold our tongue, it is a proof of guilt; and if we deny guilt, it is another proof of guilt; and if we do not aid the authorities, it is another proof of guilt; and if we use our influence to assist the authorities in putting down disturbances, that is another proof of guilt. What are we to do? What can we do? Look at human nature as it is.—I shall suppose the guards were there for the legal purposes, and these only, to which I have alluded. The guards are gathering to these places, and the Sheriff is anxious not only that the guards should be withdrawn, but that members of the Association should use their influence with their brethren to prevent acts of violence—I shall suppose all that occurs to be fair and legal, and that then they publish their resolution in the newspapers, to prevent acts of violence. Supposing all this done, would it be a criminal or a laudable proceeding? Can any man doubt that it would be considered by the law as a laudable proceeding? and can any man say that this was not the case here? The guards were withdrawn; but, says the Lord Advocate, various acts of violence were done after that. Does it follow that those acts were done on the part of these men? But, says his Lordship, "you do more, you not only get Keddie off, you get some people out on bail, and one of them made his escape from the hands of justice." These persons bailed were not connected with any offences in Glasgow, but with some act of violence in Dumbartonshire in the year 1836. Their friends wished them bailed, and the Association agreed to advance the money; and when the day of trial comes, exertions were made to bring them to trial. One of them did not appear, and was outlawed, and the Public Prosecutor dropped proceedings against the other two. There is no ground for inferring that these two men

were guilty; and whether it was that the third went away because he was guilty, or to earn his subsistence in some other country, I do not know. But the fact does not signify. The Association used their exertions to bring these persons to trial, not to send them away. But it is said the principal witness against them was absent,—it is not, however, said that they put him out of the way. If they had put this principal witness out of the way, why would they send Munholland away, who needed not, in the absence of this principal witness, have been sent away? These things are inconsistent with each other.

Gentlemen, I now turn your attention to a charge against these men as being concerned in the murder of Smith. I will not touch the part of the case in which M'Lean is concerned,—this will be taken up by my learned friend, Mr. Robertson. This charge against the prisoners is given on page 30 of the indictment. It is of importance that you should attend to the way in which it is stated. "Likeas the said select or secret committee, and the said Thomas Hunter, Peter Hacket, Richard M'Neil, and James Gibb, all and each, or one or more of them, members of the said unlawful Association, and parties to the said illegal conspiracy, and to the appointment of the said secret select or secret committee." Where is the evidence that the prisoners were parties to the appointment of this committee, or that a secret committee existed at all? And it is stated the secret committee and the prisoners "did, upon the 22d day of July, 1837, or on one or other of the days of that month, or of June immediately preceding, or of August immediately following, and within an apartment or apartments occupied by them, situated as aforesaid, wickedly, feloniously, maliciously, and unlawfully hire, engage, instigate, or direct, or procure the said William M'Lean, to assassinate and murder, by shooting with a loaded pistol, or other fire arm, a cotton-spinner, then working in one of the cotton mills, where the members of the said unlawful Association had struck work as aforesaid, and did offer and engage to pay to the said William M'Lean the sum of £20 sterling, or some other sum or sums to the Procurator unknown, in order to induce the said William M'Lean to carry the said wicked act into execution, or did hold out to the said William M'Lean promises and expectations of protection, good deeds and rewards, in order to persuade and induce the said William M'Lean to execute and perform the said wicked act of assassinating and murdering, by shooting one of the said operative cotton-spinners working and employed as aforesaid; and this the said secret select, or secret committee, and the said Thomas Hunter, Peter Hacket, Richard M'Neil, and James Gibb, did, with the wicked and felonious intent of causing terror and alarm among the operative cotton-spinners then working, or willing to work, in said cotton mills, and of deterring and intimidating them from working on the terms proposed by the said owners, masters, or managers, and in place of the members of the said unlawful Association, who had struck work as aforesaid: and the said William M'Lean being induced as aforesaid to undertake and execute the foressaid wicked act of assassinating and murdering, by shooting an operative cotton-spinner, then working and employed as aforesaid, and having received from the said secret select, or secret committee, or some other member or members of the said unlawful Association to the Prosecutor unknown, or otherwise been furnished with, or having procured a pistol or other fire arm, loaded and charged with one or more leaden bullets, the said William M'Lean did proceed, armed with the said pistol, or other fire arm, loaded and charged as aforesaid, to fulfil and execute the foressaid wicked purpose and design of the said secret select, or secret committee, and of the said Thomas Hunter, Peter Hacket, Richard M'Neil, and James Gibb, and did, on the night of the said 22d day of July, 1837, or on one or other of the days of that month, or of June immediately preceding, or of August immediately following, and in or near to Clyde-street of Anderston, in or near Glasgow, wickedly, feloniously, maliciously, and unlawfully discharge said loaded pistol, or other loaded fire arm, at the person of John Smith, then residing in a tenement, called Houldsworth's Barracks, in Cheapside-street of Anderston aforesaid, an operative cotton-spinner, then in the employment of Henry Houldsworth and Sons, cotton-spinners, in their cotton-

mill, situated in Chespside-street of Anderston aforesaid, being one of the mills in which members of the said Association had struck work as aforesaid; and the said shot did take effect on the person of the said John Smith, and one of the bullets with which the said pistol, or other fire arm, was charged, penetrated the back of the said John Smith, and did mortally wound him, and he died in consequence of said wound so received on or about the 25th day of July, 1837."

These four prisoners are thus charged with hiring M'Lean to go forth and shoot Smith,—has this been proved? Has there been any evidence whatever that connects them with any such act? If the evidence adduced could convict them, it would convict 800 cotton-spinners of this murder. The Prosecutor says that we had a particular participation in the act, in the first place, because we were parties to the appointment of the secret committee, and, in the second place, because we did hire and engage M'Lean to commit the deed, and, finally, that it was by hiring M'Lean that we got him to do that act. Where is the evidence in support of these charges? We have heard none—none has been brought forward that can be listened to for a moment in support of them. When you come to charge men with the crime of murder, it must be distinctly and particularly proved before conviction can follow. They are charged with appointing a secret committee, of which there is not a vestige of credible evidence. They are charged as being the particular individuals who hired M'Lean: I can see no evidence of that. There is, on the contrary, strong proof against it. Observe, if M'Lean did not commit this deed, then it is not true that we hired M'Lean. The charge is, that we hired him to do it; but, although M'Lean may have done it, I say that there is no evidence that we hired and instigated M'Lean to do it. Where is, I ask again, the evidence that we did so? How are we brought in contact with him in any way? Has M'Lean been brought in personal communication with these prisoners? Has evidence been brought to shew that he had interviews with them in secret, suspicious places,—suspicious interviews, whisperings, or other appearances, passing between them? Is there any evidence that he was seen in company with these persons at all, excepting at the time the certificate was granted to him, on the 11th of July, and when it is proved that it was granted to him because he was going elsewhere to endeavour to get employment, and he did go away to endeavour to get employment? Is it proved that they were in company with him before the act, or is there any evidence of his being in their company after the act? Is there any evidence that they gave him or promised him £20? None whatever. Is there any evidence of their endeavouring to get him away to America? None whatever. It is said he was looking out for a berth, and that it is not likely that he should have been able to pay for it without assistance. I do not see any evidence that a passage was wanted for M'Lean. Two persons had called about a passage, but there is no evidence that he was the one that wanted that passage. If Gibb had no objections to go and negotiate for that passage, why was M'Lean to go and negotiate for it separately for himself? It is plain, if they were negotiating for a passage for M'Lean, that Gibb had no objection to be the instrument of the Association; and why was not the passage taken? Gibb went along with various persons about passages, negotiating generally about passages, which proved that he had no connection with M'Lean. Five people went on this occasion, and M'Lean had no occasion to go and apply for himself if a passage was to be taken for him. Why did they not take this passage for him if he was the instrument of the Association in the commission of this deed? The theory of the Public Prosecutor is, that the Association were to take the passage for him. The murder was committed on the 22d, and the vessel was not to sail till the 24th. Why, then, was his passage not taken in that vessel? This story turns against the Prosecutor. Had he been their instrument, would they not have sent him away? Assuredly they did not send him away, for here he is. What else, then, is to connect these prisoners with M'Lean? Something was said by Christie in regard to the Association, but it went but a little way in connecting M'Lean with the Association. I am not sure that he said any thing



that affects the Association, but in one thing, in which he stands unconfirmed. He said, that M'Lean had contracted a debt, and that the committee had agreed to pay the debt, and that the debt committee were in use to meet and drink at his house, which M'Lean also frequented, and in this he stands completely unsupported; and it might have easily been confirmed if there had been any truth in it. There is no evidence even of the supply committee having been ever within the door of Christie's shop,—not a particle of evidence. Christie tells a story about M'Lean saying that he wished to go to America, and that he expected to get a passage by one of Hamilton and Brothers' vessels. This company might easily be named in connection with the story about going to America, as it is well known that the vessels of this company trade to America. He said that M'Lean told him that there was a berth secured for him, and that clothes were provided for him. But there was no such thing as either a berth or clothes provided for him. Therefore, supposing that M'Lean had perpetrated this offence, what is there to connect these prisoners with him in that offence? There is nothing in the proof to connect them more with M'Lean than with any other man. This offence, said to be perpetrated by M'Lean, rests solely on the story told by Christie of M'Lean's confessions. My learned friend Mr. Robertson, will deal with this evidence; but what I say is, that even supposing M'Lean perpetrated this deed, there is no evidence that any of these prisoners at the bar were concerned in it.

It does appear from Dickson's evidence, that some days after the murder, M'Lean went to the committee room to get from 5s. to 10s. or from 10s. to 15s. It is not likely that had they been concerned in that murder, that they would have had him in that situation, when they might have shipped him immediately after it; and it is not likely that he would have been in that position, begging 5s. or 10s. if he was to receive a reward of £20 for committing that murder; and there is no evidence that he got any thing at all. In short, there is not a particle of evidence to connect them with this murder, any more than to connect any other man of the Association with it. I thought when the case commenced something would have come out in regard to this that we were not prepared for, and I was always looking with anxiety to see whether M'Lean was brought into communication on the night, or about the night the deed was committed—whether the committee were waiting to receive him—whether he proceeded to the house where they sat—but I found nothing to connect this man with the four prisoners at the bar in the perpetration of this offence. That the murder was committed is undoubted—there is no question as to that; but the question in regard to these four men, is, whether they hired and instructed M'Lean to do the deed.—I do not believe, I cannot believe, that there was any such conspiracy here at all.—I cannot believe it; but I can believe it possible that an individual cotton spinner, oppressed with want, may, of himself, have perpetrated that deed. It is possible that some one who was connected with that particular work may have done it; but that there was a connection with the perpetrator and these four prisoners, there is no evidence whatever. If a person was hired to murder the unfortunate man Smith, there is no evidence that it was any of these four prisoners that hired that person. If a person was hired, that is still a mystery. If the Prosecutor asks a conviction, are you to give a conviction against these four men without a particle of evidence that can connect them with the murderer? You are not bound to solve mysteries, or to bring light out of darkness—you are not entitled to disregard, but it is not incumbent on you to remove the doubts that meet you at every step of the case. That is the duty of the Public Prosecutor. If he demands from you a verdict involving the lives of your fellow-men, it is his duty to place before you a case clear and free from doubt. If he fails to do that, your course is plain—it is the course that law and justice and humanity alike point out. Has the Prosecutor proved his case? Is this case clear and free from doubt? Breathes there the man so confident of his own powers of discernment as to say so? Are you, then, to seal the doom of those prisoners in the dark, or to accept of suspicion as a sub-

stitute for proof? Are you so impatient of blood that you cannot wait till the truth shall be fully revealed, as it must one day be?—or are you so weak as to dread that when it shall be revealed, you may perhaps be exposed to the reflection of having allowed the guilty to escape, and to walk abroad as living evidences of your want of penetration? The dread of any such reflection would be as unmanly and unworthy of you as the reflection itself would be unjust. There could be no ground for such reflection in a case like this, because, where doubt exists, your duty is to lean to the side of mercy. But even if there should be room for the reflection, light indeed would it be compared with the opposite reflection which just as surely awaits you, if you shall have the boldness or the rashness to follow the course which the Public Prosecutor has pointed out to you, of consigning these men to the hands of the executioner. That course would indeed have the effect of silencing their protestations of innocence; it would extinguish their voices for ever; but it cannot extinguish the voice of truth; and in the fulness of time that voice must be heard, and may one day ring a fearful peal in your ears, if you act rashly now. When time, the great revealer, as well as the great destroyer of all things—when time, which brings to light the darkest transactions that the craft of man has vainly endeavoured to bury in perpetual obscurity, just as surely as it moulders into nothing the proudest monuments by which man as vainly endeavours to perpetuate the memory of his own perishable name—when that great agent of omnipotence shall have shed its illuminating influence over this dark transaction; and exposed its deepest depths—when each of these men who now in vain asserts his innocence, and implores justice, shall have suffered the unmerited anguish of your condemnation, the horrors of the condemned cell, and the ignominy of a felon's death, and shall have transmitted a hated and a blighted name to a helpless and unoffending progeny—when the tempests of winter and the sun of summer shall have passed alike unheeded over their unhallowed graves, and the revolution of these seasons shall have brought along with it the return of your duties, and again placed some of you in that seat, to administer justice on the real delinquent, the true murderer, then detected—not as now groping your way amidst the darkness of mystery, and doubt, and error, but walking in the clear and safe light of truth; then made manifest; perhaps to hear from the real culprit's own lips the penitent confessions of a conscience become unbearable even to the midnight assassin, because of his silent participation in the still deeper tragedy of this night, in which you also are asked to play so prominent a part—I mean his silent acquiescence in the shedding of the innocent blood of those men with whom you too are about to stain your hands, if you yield to the demand that the Prosecutor has made upon you;—when that day comes, what shall be your feelings—what your reflections? I know you will not have to upbraid yourselves with having returned a verdict which, at the time, you did not believe consistent with the truth. I am confident your consciences will acquit you, and justly acquit you, of that, whatever may be the opinion of the world, just as the consciences of these men acquit them on this the day of trial, and would, if it were their day of doom. But still you could not escape the bitter, and painful, and humiliating reflection, that presuming, rashly presuming, on your own penetration, you thought you could discover that which has not been revealed to man, and with rash and impious hands endeavour prematurely to rend asunder that veil of mystery which, in his inscrutable wisdom, Providence has still interposed between you and the truth of this deed of blood: “I do not think, Gentlemen, you are likely to commit that error.”

In regard to the great and important part of the case—the accusation made against these men—the evidence here is totally defective. It connects them not with the perpetrator, whoever he may be. It is your duty calmly to consider the case in this point of view; and when you apply the evidence which has been adduced to the voluminous charges before you, you will find, that, even in regard to the minor offences, the Prosecutor has failed to make out a case against them. I concur with him in thinking that great evil may attach to

the community in the great city the Prosecutor has referred to, if acts of violence are permitted to proceed, which are calculated to bring injury on the operatives themselves, their friends, and relatives; and I do not deny that the remote consequences may be, that men, oppressed with want, may be stimulated to crime. But this is not the case before you. You are not to take the mode of preventing those acts of violence pointed out to you by the Prosecutor, namely, by beginning with the spilling of blood, instead of beginning to make the law to prevent blood from being spilt.

In the course of the learned Gentleman's touching appeal, we observed that some of the prisoners and jurors, as well as the audience, shed tears; and the conclusion of the address (which lasted 3 hours) was followed by a burst of applause, which was immediately suppressed by the officers of Court.

The Court adjourned at 11 o'clock till to-morrow at 10 o'clock.

### SEVENTH DAY—WEDNESDAY, 10th JAN. 1838.

(The Court met at 10 o'clock.)

Mr. PATRICK ROBERTSON proceeded to address the Jury as follows:—

Gentlemen of the Jury,—For the last 8 days you have been secluded from all intercourse with society, and you have been engaged in an investigation, unparalleled in its extent, in the judicial annals of this country; and the object of that seclusion from society has been, that you may, under the solemn oath which you have taken, and upon a fair and impartial consideration of the whole evidence of this case, return such a verdict as shall do justice to the law, and justice to the prisoners. That seclusion has not arisen from any doubt of your personal candour—from any fear that you will be swayed in any way in the verdict you return, by prejudices or by feelings unconnected with this painful inquiry, and unsupported by the evidence.

Gentlemen, I feel deeply convinced, that be the result of this trial what it may, you will not allow, in the slightest degree, the state of public feeling to embarrass you. You will not allow any fear of consequences, any consideration of the past, any anticipation of the future, to enter for a moment into your minds, so as to disturb those minds in that calm and honest consideration which you are bound to give the evidence adduced. Into the gates of this Temple of Justice nothing is allowed to enter but through the mouths of witnesses speaking from the box, or through papers read at the table, or through the lips of counsel, or from the bench who direct your deliberations. To these you are not only entitled, but bound to turn a willing ear, while to all else you are bound, as I doubt not inclined, to turn an ear of absolute deafness—fearless of the consequences, regardless of the past, excepting what this evidence discloses, and weighing nothing but the evidence, and those remarks which will be made to aid you in the consideration of what is to be your verdict.

Gentlemen, the task I have to perform in more especially directing your attention to the case of the unfortunate man, M'Lean, is, I feel, no easy task; and to say that this is not a case of difficulty, perhaps of suspicion, would be to insult your understanding and to deprave my own. But, Gentlemen, after 8 days of daily toil, and perhaps of some sleepless nights, or nights of uneasy rest, I have now come to you to discharge my final duty, and when my lips are closed, no more can be said for the prisoners, excepting what the Court will supply of my defects; and any circumstances that I may omit, favourable to the prisoners, the Court is not only bound, but in a British court of justice, I am proud to say, anxious to supply the defects which the feebleness of the Advocate has not been able to detect.

Gentlemen, if this be no ordinary case in extent, it has come before you in no ordinary manner. Be it understood, be it most distinctly understood, that I neither quarrel with the decision of the Court upon the relevancy of this charge,

nor do I demur in the least to the manner in which her Majesty's Advocate has felt it to be his duty to conduct this investigation; but, Gentlemen, while I say this in perfect sincerity and honesty of purpose, I at the same time cannot but feel that this prisoner M'Lean, along with the others, appears before you under circumstances of peculiar hardship, a hardship I refer to merely for the purpose that you may disabuse your minds of circumstances not bearing directly upon the present charge. We have heard, independently of this indictment, which is accompanied by a list of 91 witnesses, and of 43 productions, independently of what that indictment describes, we have heard in this investigation, of the attempt at fire-raising in 1818, in Broomward factory; we have heard of the murder of Widow Macpherson; we have heard of the shooting at M'Quarry in 1820; we have heard of the wretched and scandalous offence of throwing vitriol at Cairney in 1821; we have heard of the shooting of Graham in 1825; we have heard of the assault on Margaret Banks in 1826; and we have heard of the firing into Brown's house in 1827—a catalogue of offences enough to appal the heart of any man: and with all these brought into the service, (I mean not improperly,) and laid before you, we have in this indictment various charges of conspiracy, and illegal and violent acts. We have before us, among others, the molestations at Mile-end—the assault at Oakbank—the attempt to set fire to Hussey's mill—the assaults on Gray and Kean at the Adelphi mill—three threatening letters—the invasion of Widow Michan's house—the attempt to set fire to Mr. Wood's house; and, to sum up this dark list, the base, the infamous, the damnable murder of the poor man Smith. Is not this enough then to make the mind, even of the firmest man, tremble? But, Gentlemen, beyond that catalogue, and were you to add to it many more assassinations—beyond that catalogue there is still one more dreadful, which I trust shall never be added to the list; it is, that a man, not proved to be guilty by evidence, clear, convincing, and unexceptionable, shall, by the verdict of a Jury, suffer the death of a felon on a common gibbet. Of all murders that the heart of man can conceive—of all slaughters, I should rather say, that of the judicial execution of an innocent man, is the most fearful. Therefore, I beseech, implore you, by your oaths I command you, to enter upon this investigation fearless of the consequences of your verdict, so far as farther outrage is concerned, and resolve to look at the evidence, and the evidence alone.

Now, before proceeding to analyze the evidence as specially applicable to M'Lean, bear with me a little when I ask you to look at the indictment.

Gentlemen, this indictment, (I trouble you not with the technicalities,) after mentioning the strike of the 8th of April, and the resolution to enforce the strike by violence against workmen and masters, mentions that the prisoners, along with others, beginning with Adam Sideserff, conspired in April, 1837; before that it is mentioned that the whole of the prisoners held different offices connected with this Association, and at bottom of the 7th page, you will see it stated that said William M'Lean was at some time and place nominated and appointed a member of the guard committee. Well, then, the statement of the conspiracy in April is given in the 9th page, and the appointment of guard committees on page 10th. This is the first special accusation against the prisoners.

Then (2) on the 11th page, you have the charge of assault connected with the Oakbank factory. M'Lean is charged as a member of the guard committee, and acting as such, or under the orders of the guard committee, at Oakbank factory. There is no charge in the indictment of his having acted as a guard anywhere else.

Then (3) on the 12th page, there is the charge of molestations and intimidation at Mile-end, and next the story of the trial of Keddle, with which I have no concern.

Then (4) at page 14, there is the alleged act of conspiracy to set fire to Hussey's mill, and a great number of persons are named as connected with that conspiracy under this count. There is a direct charge of conspiracy against all the prisoners, including M'Lean, along with others, to set fire to this mill, and of

having made an offer of a reward of £20 to the perpetrator of the act. The indictment then goes on to say that the strike was protracted till June—that the funds became exhausted, and that the unionists came to more desperate resolutions still. It was formidable enough what they are said to have resolved on in April, followed by the molestations at Oakbank and Mile-end. It was still more formidable what they are said to have done on the 28d of May, followed by the attempt to raise fire at Hussey's mill; but in June, it is said, that these alleged conspirators went farther, and resolved on murder and fire-raising, and so forth.

And (5) near the middle of page 17, it is set forth, that the prisoners, along with Daniel M'Donald, and a long list of others, on the 14th of June, did "conspire, confederate, and agree together to force and compel their late employers," by means of various illegal and violent acts, there specified, to re-employ them; and then at the bottom of the 18th page, that the prisoners did "call a meeting of delegates of operatives, being members of the said unlawful Association," on the said 14th of June, by whom a "secret committee" was appointed to carry into effect the unlawful acts resolved upon.

And then (6) at bottom of page 20, it is alleged, that the prisoners and the said "secret committee," on 15th June, hired and engaged certain persons, to the Prosecutor unknown, to assault the workmen employed at the Adelphi mill. This is the first act said to be done under the direction of the secret committee. Then it goes on to say, that they did offer to those members the sum of ten pounds to induce them to assault "one or more of the operative cotton-spinners in the said cotton-mill." And then it is said that the persons so hired "did wickedly and feloniously attack and assault David Gray," and did also "wickedly and feloniously attack and assault Edward Kean." These are the charges under the count as to the Adelphi factory.

Then (7) at page 22, the said "secret committee" and the prisoners did "wickedly and maliciously write, cause and procure to be written by the said Richard M'Neil," the threatening letter to Mr. Arthur, which is quoted.

Then (8) at page 24, follows the second threatening letter to Mr. Arthur, laid in the same way.

Then (9) on page 25, the said "secret committee" and the prisoners did, on the 24th day of July, "wickedly and maliciously write" a threatening letter to Mr. John Bryson, which is quoted.

Then (10) at the bottom of page 26, in the same manner, the said "secret committee" and the prisoners did, on the 30th of June, "engage, instigate, or direct Thomas Riddell, Richard M'Manus, and Thomas M'Caffie, or Cohill," &c. to invade one or more of the houses occupied by certain cotton-spinners working in Mile-end factory. And then at the middle of page 27, it says, that they offered to those persons the sum of ten pounds to perform the said wicked acts; and then follows the specific charge, that those persons did invade the house of Mary Divan or Michan, in which Donachy lived.

Then (11) on page 29, the said "secret committee" and the prisoners did, on the 11th day of July, hire certain persons to set fire to Mr. Wood's house; and then follows the attempt made to set fire to that house.

Then (12) on page 30, the said "secret committee" and the other prisoners did hire the prisoner, William M'Lean, to murder John Smith. And then on page 31, it states, "the said William M'Lean did proceed" to fulfil the design of this secret committee, and that *he*,—not "or some other person to the Prosecutor unknown"—but that *he*, William M'Lean, did shoot and wound John Smith, and that in consequence of that wound Smith died; and he died, I pray you to observe, for a purpose which you shall learn hereafter, on the 25th of July.

On page 32, there is a separate charge against M'Neil of writing a threatening letter, with which I have nothing to do.

And on page 33, there was a separate charge against all the prisoners "or one or more of them," of shooting at and murdering Smith; but this charge was abandoned at an early stage of the proceedings, and you will therefore hold it as struck out of the indictment.

Now, this analysis of the indictment, after all the evidence, will make you distinctly see what we are now more immediately engaged in. M'Lean is charged as a conspirator throughout. I don't say,—don't misunderstand me,—I don't say this binds the Public Prosecutor to prove all that he charges. Look at the charge. M'Lean is charged throughout as being a conspirator—as being cognizant of the secret committee—as having been a member of the guard committee—as having acted as a guard at the Oakbank factory—as having been cognizant of the two offers of the £10—as having received £20 on the 22d July for the purpose of committing the murder, and as having actually committed that diabolical deed, from the basest of all motives. It is not said to be a murder to gratify painful feelings—not to gratify malice—not directed against John Smith more than any other body. But having got his £20, he goes, says the Prosecutor, to murder *any body*, provided always that that person was an honest man, endeavouring to gain an honest livelihood, and thereby defeating the purposes of this alleged conspiracy. Now that the trial is closed in so far as regards the evidence, I know not whether, apart from the murder of Smith, her Majesty's Advocate still insists on a verdict against M'Lean as to the other charges. I know that his Lordship stated, that he reckoned this man as a miserable fool in the hands of this infamous conspiracy, but, in the face of the indictment, and not passing from any part of the charge, M'Lean still stands accused of all those acts said to have been done in furtherance of this conspiracy. I must, therefore, deal with M'Lean's case, not with the view of going back or going over the ground gone over by my learned friend, who preceded me last night, but as touching the facts so far as M'Lean is concerned.

In this part of the case, I shall have an easy task; I shall sum up, in a few sentences, all that is proved touching M'Lean, apart from the murder. And in disposing of the case, I will observe the following arrangement as clearly as I can, in order that the sophistry, if any, may be the more easily detected; and I propose dealing with the matter in this way: *first*, to treat of M'Lean as a conspirator, apart from the murder: *then* to call your attention to what is proved before the murder, at the time of the murder, and treating of the plea of *alibi* set up; and, *finally*, I shall direct your attention to what took place after the murder was terminated, the breaking up of this Association, or termination of the strike, and the apprehension of M'Lean.

M'Lean admits, in his declaration, that he had been a member of the Association for 12 years. Gentlemen, we have nothing to do here with the policy of the law, by which the combination laws were abrogated. We have enough to do with our own business, without entering into speculations in regard to the wisdom of the legislature. Neither have we any thing to do here with the discussion (why introduced I cannot tell) about the rates of wages—about the rights of masters, and about the rights of operatives. In no period of our law has it ever been, and I trust in no period of our law will it ever be held, that either masters or men are entitled to combine or conspire to effect their purposes or secure their rights by violence. No man can feel more keenly than I do the necessity that the rights of masters and the rights of workmen should be equally protected. It is to that freedom that this great empire owes much of her glory and much of her prosperity; but that glory would be deemed nothing, and that prosperity would pass from her, if either classes of the community were to encroach on the rights of others by conspiracy, to do acts of violence, by which acts they would undermine the foundation, and pull down the fabric of the constitution itself. But I set all this aside. These doors are closed upon it. Policy, practical expediency, cannot enter at this gate; it is law, and evidence, and truth, that you deal with. Banish, then, all these from your minds. I ask no mitigation to the prisoners, that their lives are spent in a hard and laborious trade—I ask no indulgence, that they breathe the heated atmosphere in those scenes of hard labour, and also too often of violated morality—I ask no indulgence on these accounts; but, on the other hand, I solemnly protest, that expediency and the security of trade, and the

employment of capital, (as to which we heard so much,) shall equally be shut out of this investigation. It is combination, with violence,—it is combination, accompanied with assault,—it is combination, accompanied by the invasion of dwellings,—it is combination, accompanied by sending threatening letters,—it is combination, accompanied with fire-raising,—it is combination, accompanied with murder—that you are to deal with. That is the subject-matter of investigation; and, in such a solemn inquiry, away for ever with all political discussion. By political, understand me, I do not mean the comparatively paltry distinction of party strife; I mean the higher politics, which, consists in love of country, for which I give every honest man credit. But away with that even in the administration of justice. Evidence and truth, in regard to the prisoners, are all that you have to look to. Now, what is the proof that William M'Lean is a conspirator? He is a member of the Association; that is nothing: there are 800 or a thousand members. Is he ever found in conversation with this supposed select committee? Who are they? Where were they appointed? Who ever saw them appointed? Moat. What he was called to prove was, that at a meeting of delegates, held on 14th June, in Smith's, Black Boy Tavern, he heard Hunter suggest the appointment of a secret committee. Gentlemen, you heard how, in the course of the trial, many of our witnesses were cross-examined as to the meeting of 14th June. Do you believe now that a secret committee was appointed then? My learned friends try to take refuge in the supposition that it must have been some other meeting in some other room that Dickson was in the chair. Now, when the strength of our evidence drove them from their original position, they retire into the back part of the premises, I suppose, and hold another meeting, leaving the other meeting, with Elder Dickson in the chair. Is M'Lean in communication with any of the other prisoners? I hardly think it. Where are the dark rooms? Where the offers of £10, and the double offers of £20, mentioned in the libel? Where is the evidence that M'Lean was a member of the guard committee? Where is the evidence that he acted as a guard at Oakbank? Gentlemen, Farmer is the only man that mentions any thing specific about guards at Oakbank. Recollect, M'Lean is charged at page 11 with being a guard along with Montgomery and others. And Farmer distinctly states, not that these persons acted as guards, but that he had seen them there, *and that he never saw M'Lean there*: that is the substance of his evidence. This is a signal failure in evidence. Of his being on the guard committee there is not a shadow of evidence, and of his acting as a guard at Oakbank there is not a shadow of evidence. Other persons in the indictment are seen by Farmer, but M'Lean is not seen at the Oakbank mill at all. Do not confound the factories, I pray you. Oakbank is the one spoken of in the libel—Oakbank is the one spoken to by Farmer. Now, Moat states, that M'Lean was not a member of committee. Not only is it not proved that he was, but he says distinctly, M'Lean was not a member of committee; he was only seen at the room, calling on Hacket. A wonderful and most suspicious circumstance that he called on Hacket the treasurer, M'Lean being a member of the Association,—actually called on the man from whom he was to receive the alment during the strike! A member of committee he was not, according to Moat. Murdoh says, that M'Lean was a member of the Association for ten or twelve years, confirming M'Lean's declaration; but he answered specifically to the question put to him, that he never saw him acting as a guard. Cowan, a member of the Association from 1818, did not even know M'Lean. This alleged member of the guard committee, alleged to be engaged in all those acts of violence, was not even known to Cowan, and the only other person who speaks to M'Lean is Thorburn. This Thorburn, who, 6 years ago, had got 1s. 6d. from Hunter, when Hunter is no more proved to have been president of committee than I am—this Thorburn, who has been put in Bridewell on a charge of assault, says, doubtfully, not that he saw M'Lean acting as a guard at Oakbank—not that he saw him acting as a guard anywhere, but that he had seen him at Houldsworth's, where he is not

charged to have been a guard, walking up and down on one occasion. But, oh ! then he got a most mysterious clear certificate. Gentlemen, of all the absurdities, of all the misapprehensions, now that the matter is explained—of all absurdities in this absurd case, not to be compared even with the absurdity of “persecuting” meaning “prosecuting,” I say this matter of the clear certificate is the most ridiculous. Gentlemen, what are the words of it? “Committee rooms, 11th, July, 1837.—This is to certify that William M’Lean is a clear member of the Glasgow operative body of cotton-spinners. He has always done his duty, and we recommend him to all our friends. (Signed) Thomas Hunter, James Gibb, Peter Hacket, and Richard M’Neill.” Now, suppose this put into your hands at first, and produced—produced as it might be at any of your doors by the person soliciting charity, what would have been your construction of it? Would it be this: “The bearer hereof, acting under the direction of a *secret conspiracy*, has done his duty by the perpetration of offences?” And the secret committee, who directed those duties to be performed, had, to *preserve their secrecy*, set their names to the certificate! Moat’s account is, that there were three districts in 1824: delegates were sent up, and out of this dark moving power, three were chosen. In 1837, there was a change in the manner, by *tosing their names* into a hat,—the secret mode of that dreadful thing called ballot, so appalling to the ears of the learned Lord. The mode was changed, but the number was not changed, and, therefore, I, the clear-sighted Moat,—I, who spy conspiracies in every act, when I see the certificate *signed by four persons*, whose names are to be *kept secret*, bearing, that a man has conducted himself and done his duty, come to the rational conclusion, “I naturally incline to think,”—“I naturally conclude,” the appointment of the secret committee. I doubt not,—I “*naturally infer*,” that the 3 conspirators set their real names to it, appended a fourth to it, and gave this man a badge of iniquity, stating his *real name*, so that, go where he chose, he was known to be the hired ruffian of this Association, acting under a *secret committee*, whose names were *proclaimed to the world*; and that badge he had on him—that stamp of infamy he carried, not on his forehead, but in his pocket, at the moment he was apprehended! And here is his final “*natural*” conclusion of the acts done by this conspirator M’Lean. Ah! but he was in debt to the Association, 13s. 9d. Most suspicious!—most appalling! How in debt? Gentlemen, remember the testimony of Samuel Siderserff, and of Angus Campbell. Contrast their explanation of the matter with Moat’s and Murdoch’s. We understand a little about this Association now: there is a book called a debt book. Moat sees in the debt book 13s. 9d. in the month of January, 1836: Murdoch sees that too; he, in his cross-examination, stated, that he had been a member of committee twice; once in 1817, and once in 1826, two months each time; and with that exception he had no particular access to the books. But they see 13s. 9d. in the book in January, 1836. The secret committee is omnipotent, say they; it can even, when it sanctions murder, blot out debts of 13s. 9d.! A clear certificate means that a man is not indebted to his mill, but this book shews he was indebted in January, 1836. Therefore, the secret committee of three, converted into a committee of four, wiped out this mighty debt in 1837, and that is *conclusive* evidence, say they, that M’Lean had done wrong; and, therefore, he being an evil-doer as well as a debtor, gets his badge of infamy that he may walk about with it, and every body may know him, and all this because the debt appears to have been entered in the book and not blotted out. But the books are most irregularly kept, as you will see. Then the Prosecutor talked of people taking the chair and making speeches, about a qualified member taking the chair, who was not a delegate. I thought we were back to the good old times: when delegates were chosen that might be fit for members of parliament. Every thing must be so accurate that it was asked how came an unqualified press to fill the chair of this alleged solemn meeting at Smith’s, in the Black Boy Close. That is the kind of stuff that is brought into this case. Our explanation is, that a debt book is kept, and small books are kept by each mill, and memoranda on



deposited paper are brought to the committee and entered in this book, and in ordinary times, when there is no allment, the debt stands, but during strikes there is an account-current. If I am entitled to 12s. a-week, the debt is deducted. Are you to believe that because a man is entered in that black book, black only in its colour, not in its nature, and black enough as to its being irrecoverable in its arrears—are you to believe there is something wrong in the granting of this certificate in July, 1887, because in January, 1886, he stands in debt 13s. 9d.? Knowing this, he goes and asks his certificate, and he gets the committee to put their names to it, and he puts it in his pocket, and carries it wherever he goes; and from this the sagacious Mr. Moat “naturally considers,” that it was a mysterious, dark transaction, done in secrecy, to cover some diabolical crime. Most cogent logical conclusion, no doubt!

I have dealt with M'Lean now as a conspirator, and have supposed in my argument hitherto that Smith's murder had not taken place. Are you prepared in the circumstances now proved in evidence to convict M'Lean of the separate crime of conspiracy, apart from the murder? I should think not; and on that branch of the case I have said perhaps more than enough. But now let us proceed. The certificate is rolled on as connected with the murder also. On the 11th July, he applies for this certificate;—the hiring is on the 22d, according to the indictment;—he gets it. Daniel Montgomery, at the same time, gets another. Smael, Sideserff, and Campbell, mentioned that various other certificates of the same import were granted to persons going to a different part of the country, both during strikes and in the ordinary state of the trade, than which nothing can be more creditable, believing them to be certificates of good conduct, not of bad conduct. This is on the 11th July. What happens? They apply to the committee *openly*; others were present when the certificate was granted; no secrecy—no application to any *secret* committee;—they come to the room; Hunter is in the chair: they are all there—they grant the certificates to M'Lean and Montgomery—the application is made to the supply committee, into which the finance committee had merged, consisting of 12 or 15 persons. They come openly and get these certificates, which are certificates of honesty, and not of dishonesty, and you will go along with me in believing that. Was it on a false pretence—was it on account of the murder of Smith? That could not be, for the certificates are got on the 11th, and the murder does not occur till the 22d. Montgomery and the prisoner go away. They went to Blantyre seeking for aid; they could not get it. They got to Bothwell; they could proceed no farther. They return to Glasgow, Montgomery stating, that he had borrowed 2s. 6d. from this precious Christie—of whom more anon—whose creditorial countenance he did not wish to encounter on his return. They go away together; and observe the confirmation of this story, which could not have been invented. They are met at Blantyre tell by Smael, against whom I have heard nothing, excepting always he is a witness for the defence, to which, therefore, I suppose, no credit is to be given. I suppose even the postmaster is not to be credited. But I say, that there is no ground of imputation against Smael. The manner of his giving evidence you will all recollect. The learned Lord stated last night, that he was most unwilling to state objections, of which, with due deference to my learned friends, I have not seen much proof. I say that they stated an objection to our being allowed to ask Montgomery—not in detail—but the purpose of M'Lean and Montgomery going away. But they did tell Smael they were going to England. On the 11th of July, therefore, they leave Glasgow, confirming the rational purpose of the certificate, and destroying the absurdity of Moat's “natural” conclusions on that point. Here we have them up to the 11th July. Then comes anecdote first of Mr. Christie: I deal with him twice; I deal with him as a part of my case before the assassination of Smith. I shall return to him again; I have a particular fancy for this worthy, Mr. Christie. Christie had ceased to be a spinner before the strike. Three weeks before the strike in April, hah! he had taken up two taverns; one in the Gallowgate, and one in Hospital-street. He had ceased to

spin in the factory; but the threads that he did spin in that witness-box were mighty fine—finer than the silk worm—finer than the gossamer. But he ceased to spin even the finest numbers at the highest wages. He was no longer a spinner—he knew nothing of the secret committee—therein I believe him. No man knew of it;—Mont dreamt of it. A committee, which Christie called the debt committees, which, if it existed at all, was the prosecuting, or as my learned friends will have it, the “persecuting” committee, occasionally met for conviviality, says he,—to get their whisky, I suppose, instead of their decreets. Not one man connected with the Association was proved to be in Christie’s shop excepting Daniel Montgomery. We had a traffic with M’Guire about a purchase of debt. He did not care about the £500 reward; oh no, not he! So M’Guire brought on the story about the debt. Here is a witness on the list for the Crown, and yet he is not examined. Well, then, he is mightily connected with this alleged conspiracy—with this Association, from which he had retired. And what is the first story of blood and thunder? Why, I thought that the three days of darkness had indeed shed their obscure beams upon us, for which it is said the prisoner prayed, that all masters might be annihilated at once, and that cotton-spinning should be banished from the land. Such an appalling account of crime conveyed to this man, no member of the Association—no cotton-spinner, for no purpose, with no view, leading to nothing, accompanied with circumstances so absurd and incredible that they become absolutely ridiculous, so much so that it is almost impossible to deal with them without laughter, (to which the tendency of my nature too often leads me)—I say such an appalling account of crime, and such ludicrous stories, never came from the mouth of any witness. The first was the story about Arthur. M’Lean had, as Christie says, been two or three days in search of Arthur. M’Lean calls on Christie on the Thursday before the murder. M’Lean begins on Arthur. Christie did not know what he alluded to. What is his conduct on this occasion? He accompanies him, after shop-shutting, from the shop across to Hospital-street; and what is M’Lean’s conduct on the street? Gentlemen, I am not going to trouble you with the reading of these disgusting epithets that fell like honey from the lips of the sweet Mr. Christie, and with which he seems quite familiar—I am not going to impress you with his choice expressions, such as, “for the love of God,” which he made M’Lean use, and everybody else use. Without dwelling on such expressions, let us look into this story in regard to Arthur. They walk along the public streets of Glasgow, and this fellow M’Lean is bawling so loud that Christie is obliged to put his hand upon his mouth. This bold-faced villain—this Pierre of the conspiracy—this pistol of the Association—this braggart, is bawling out in the public streets of Glasgow, “I will do for him.” “Whisht! do not speak so loud! my character is at stake! I, the pure Mr. Christie, I had some intention a fortnight ago to go to America: I have changed my resolution; I do not know why. My character is at stake; the credit of my house in the Gallowgate, the refuge for all the respectable of the trade, is at stake; and the credit of my hotel on the other side of the water is at stake. Take care; do not speak about Arthur.” “But I will do for him,” says M’Lean; “here is the pistol: I will do for him.” But he was a little tipsy. “But the streets are crowded, and the police have an especial look out for cotton-spinners.” “Never mind these things; damn the police; I will do for Arthur: come away; I’ll meet my two chums at the bridge, M’Donald and Keath.” But why are they not called? This secret deed, thus concocted, thus communicated, is to be committed by him and his chums. They are not there; they were swaggering at some other part of the town. “I coaxed him. Come away, do not speak so loud; hush! hush!! my dear boy!!!” “Well, then, give me 6d.” “I give thee 6d. I will see thee damned first. I have a few coppers; there they are. Come away, my boy.” Here is a confession made to this precious character for no earthly purpose—for no conceivable motive. It is either the imaginings of a weak man, or the swaggerings of a drunken fool, but as a solemn purpose, to perpetrate a deed of blood, it is the most incredible

story, I ever heard, I beg pardon. One more fact, as to this. There was no wanton assault on Arthur. "He knew damned well where Arthur was." I suppose he was snug in his bed, but Pistol and Bardolph were ready to go to his bed-chamber, and drag him out for the purpose of the assault.

Bear with me, Gentlemen, I here throw off my black gloves (throwing them on the table) in case you should have suspected me of something wrong. Now for the story of the black gloves—now for the most miraculous story of the black gloves. And of all the absurdities that Christie invented, this is the most ridiculous. A black glove comedy, in two acts. Borrowed and returned! The first is on the Sunday night preceding the murder, the other on the Tuesday following. Daniel Montgomery, William M'Lean, Thomas Campbell, and some others, came into the house in Hospital-street late on Sunday night. M'Lean had been drinking; he did lean his head on the table, but that is nothing: he was always quite intelligent, could act, and was most remarkably confidential. What is the story? Montgomery asks for a pair of mitts. Christie did not understand what was meant by this. I am not surprised at it.—I do not understand yet—I know that mitts are gloves.—Christie is not so well informed. *Credendum est in arte sua*. As to the worsted mitts, there he was remarkably ignorant; but, Montgomery was asking for mitts,—they were not delivered publicly; although Montgomery knew they were to be got, there was to be a mystery! so Willie was to explain it. Willie comes to the back door. He dares to make the open communication, on the crowded streets, of the shooting of Arthur; but when he came to borrow gloves, for their colour is black, he must whisper it at the back door. They go to the back door. "Get me a pair of black gloves." "Whisht! I have not a pair myself, Willie, but I will go and ask my wife; I have no black gloves of my own. Is it men's gloves? My wife may have a pair of men's gloves." He goes to his wife. She has no pair of men's black gloves. He goes to his mother-in-law, three clothes off; she is a widow, she has her husband's black gloves, perhaps worn by himself at his own funeral. But Mrs. ———, the mother-in-law, is not brought to confirm this story, nor the wife, although in the list of witnesses. He comes back with the black gloves. They are not delivered in presence of Montgomery; they are given in private; on that occasion Christie suspected something. He told his wife at first; then he doubted whether he told her till after Smith's murder. The wife suspected more of this back-door business—women are always clear to suspicion, more so than men. They are sharp-sighted. She saw more than her husband. What did they suspect? What do you suspect? What is the meaning of this contemptible farce got up by this witness? I told you, I promised you, that I should come back to Christie. I will return to him after the murder. But keep in mind what I have told you now. And difficult as it may be, to tell this story of the gloves with seriousness, what is the next feature?—the gloves are returned. These gloves, I thought, when they were returned, were to be stained with blood or to smell of gunpowder. I thought they were gloves to be used either to steady the hand of the assassin, or to screen the hand, of the fire-raiser. I thought they were to come back with some mark on them of the infamous purpose to which they had been applied. No such thing, Gentlemen! But they are returned, and, accompanied with the return, a story is narrated unequalled even in the darkness of romance. They are returned in presence of Montgomery. Now we have Christie with somebody present, and now we have that man who swore so loud in the streets that everybody might hear, speaking "so low" and "swearing so slow," that even Daniel Montgomery, the other ruffian, according to Christie's account, the man who asked for the mitts, was not to know of that story half told in the room, half whispered at the door, and this by the same man who bellowed in the streets, and whispered in the secret places. They are returned with a story—what it is I cannot tell—of breaking into a house—of a woman on her knees, her hand round her husband's neck, crying, "for the love of God," just as Christie does, to take away the vision of the black gloves from her eyes; and no wonder, no wonder, says M'Lean, when she saw such ruffians

as we were, armed *cap-a-pie*, the very image of her husband's murderers, with black gloves on their hands, with blackened faces, I suppose, and with hearts as black and foul as Vulcan's smithy. Gentlemen, is this a credible story? I say, such a story as this is too absurd, too contemptible, to be credited for a single moment. But I am advancing step by step in the history of M'Lean, and to relieve us for a moment from the contemplation of this incredible absurdity, happily the next witness is one as to whom there can be no doubt.

The next step in the history is the application to Mr. Hamilton. That an application was made to Hamilton, and that, some days after, another application was made to the boy, his clerk, is proved. That the Association were making frequent applications in regard to emigration is unquestionable. I think it is of no consequence whether Hamilton is correct as to M'Lean or not. It is possible he may be mistaken: he was mistaken. That he mistated any thing wilfully I would not wish for an instant to insinuate. But this is an application on Wednesday or Thursday, or possibly Friday. The application was about a berth to go to America. The vessel, *Henry the Fourth*, was to sail on the 24th from the Clyde, said my learned friend, Mr. Handyside, in his question; no, from Liverpool, said Mr. Hamilton, on the 24th. The pretended hiring for the murder was on the 22d, according to the indictment: the murder was done on the 22d, late in the evening. The place was not then taken. Why, if the hiring took place early, if the deed was contemplated early, it was not perpetrated early I cannot conceive. It was not Smith more than another; it was a workman that was wanted, be he whom he may. This is not a murder for malice; it is done for the object of the conspiracy. Why wait for him more than another? The vessel was to sail on the 24th. Had M'Lean taken a place in the mail to go right through to Liverpool—had he secured a place in a passage-boat, was he certain he would get in time? And he had provided himself on the 11th with his clear line, and he had his real name inserted in it. I say, then, this is immaterial to the case; it is inconsistent with the story, and wholly unconnected with the murder on the night of the 22d.

What have we next? We have next the purchase of the bullets from Sheriff. Who bought the bullets? Cotton-spinners. A cotton-spinner bought them, therefore a cotton-spinner shot them! M'Lean is a cotton-spinner, therefore M'Lean must have shot them! We have here a great deal of mystery and mighty accuracy. A flattened bullet was found in the body of the unfortunate man, 192 grains in weight, and two other bullets, got afterwards by Mr. Salmond from Dougal's shop, weighed about the same each. They were number 34. "Bullets rank in a series." Number 34 may be found in any shop as well as in Dougal's shop; therefore, it is not even identified that one of the bullets was bought there. But who bought them? None of the prisoners. And how did they buy them? They bought them that they might be seen. It was not even one of them; one went in, one stood at the door, and one looked in at the window; they were standing publicly and openly. The shop was crowded, in the Arcade of Glasgow, where the whole world is passing. And this contemplated deed of darkness is to be brought home to the prisoners because three persons like cotton-spinners were going to practise, and were not nice as to the size of the bullets. And because these cotton-spinners bought the bullets, therefore, one of the same number being found in the body, that is the bullet bought; and, secondly, it was bought on behalf of the prisoners. Gentlemen, is the word cotton-spinner to convict M'Lean of murder? Excepting the word, you have nothing to connect him with the purchase of the bullets.

Gentlemen, I have now exhausted all I have to state previous to the day of the murder, with one exception. I am not sure if there is any thing else of importance before the day of the murder. On that Saturday, Murdoch says, that he saw M'Lean with M'Donald and Keith in the forenoon, and heard M'Donald and Keith agree to meet again in the evening,—only the two last,—not M'Lean. In the evening they were not seen together. Keith and M'Donald are not called; therefore, the circumstance of M'Lean being seen in company with Keith and

M'Donald, and that they agree to meet in the evening, I apprehend, is wholly immaterial. What is their suspicion? His being seen in their company. What in Keith and M'Donald agreeing to meet in the evening? But Murdoch proves that the dress which M'Lean had on, that Saturday, was the dress in which he is always seen by all the witnesses, the long green coat, ordinary round black hat, and mole-skin trousers. The tailor said they were light trousers. I doubt not they were so originally, and being light originally, they continued under that nomenclature in a tailor's shop; but they were dirty trousers, and were not likely to be worn in any other way upon this man in the situation in which he was. Then, Thomas Loag, another Crown witness, sees him on Saturday night at the putting of the stone in the Green, at the monument, in the same dress, and he remains there till 9 o'clock. In the meantime, M'Manus is with Smith the deceased some day during the fair, having been with him at that auction which took place, where he bought a comb, and where a most suspicious and dreadful circumstance comes out. He bade for this comb: the auctioneer cried out who is the purchaser, and one man cried, don't give it to him, he is a nob; another, he is a black-neb. This story about the comb is too ridiculous to attract your attention any longer. There is nothing that is brought into this service but what is absolutely ridiculous. One party may call us Tories, and we may call them black-nebs. We are in a conspiracy not to shed each other's blood, but in a conspiracy only to defend, according to our own views, the rights and liberties of our country. Gentlemen, this absurdity—this shouting out at a fair, is solemnly brought forward in a trial for murder as a circumstance to affect the prisoners. David Thorburn parts with Smith the night of the murder between ten and eleven o'clock. He is at home at ten, according to Mrs. Smith's account. Thorburn sees M'Lean at the Broomielaw,—wonderful circumstance! Upon another occasion, he had seen him at Houldsworth's, but now he sees him near the shades on the quay, away altogether from the factory. The only other thing we have is the story of Campbell, from Kirkintilloch, the cabinet-maker. Now, what is this story? There is a secret select committee, not proved; but that is the theory. The moving power of this mighty and infernal engine, the purpose of that committee, is to work the desperate machine, so that it shall do its work of destruction—that it shall do it in secret: they are to wield this power, by which men's lives and property are in danger; their names are to be unknown; their victims unproclaimed: it is to them matter of indifference who shall fall the victim under the wheel,—which, like the wheels of Juggernaut, is to crush all within its range; and this secret committee, working in silence and under ground, doing the bloody business wheresoever it listeth them, is to keep the secret; and, therefore, in that night—in a common tavern which they do not frequent—cotton-spinners not the prisoners, not connected with the prisoners—over their cups, are muttering in the public room, overheard by a stranger sitting at the opposite side of the table, "this is the night; the hour is approaching when the days of Smith shall be numbered." The secret power shall be revealed; the deed of darkness is contemplated; the secret committee has betrayed its awful trust. It is known to a number there assembled that that night Smith shall die: not that a cotton-spinner shall die—not that we are longing for the accomplishment of our fearful purpose—not that we continue to be surprised, now that the secret committee is publicly known to be on; but we know the particulars, and take our cups, and swagger about the matter, and we tell that this is the night that Smith shall die. Alas! for poor Callagan; but he is safe. Who is he? What is the story? Is this another victim or another conspirator? Is he a member of the secret committee, whose names are known? Is he the man that works in the dark, or shall he be another victim? Smith shall die, and this is proclaimed. Where is the consistency of this story? What is the meaning of this? Who talked of it? Is the whole Association aware of it? Had the 800 or 1000 men conspired to murder this particular Smith? Had the secret committee divulged this? This omnipotent committee that could wipe out debts—that could extinguish life and burn property to the ground—had they betrayed their infernal trust?—had they

told to these persons who proclaimed, that the days of Smith were numbered, and that that night he should die? Nobody connects the prisoners with this strange story. It does not appear that they ever frequented that tavern. The keeper is not called. Nobody is called but Campbell—it rests on his statement. How it squares with the statement of this case I cannot tell. Gentlemen, Smith is housed at ten o'clock; he comes out again to make his little weekly markets, accompanied by his wife. He goes through various streets, and on returning home, twenty-five minutes past eleven o'clock, he is basely butchered. And, Gentlemen, I cannot, I must not, I dare not, pass this part of the case, though I am Counsel for this man, unjustly, I think, accused—I cannot pass this part of the case without shedding a tear over this deed of darkness. We have read of murder done from malice—we have heard of murder done from avarice—we have heard also of murder done that the body of the victim might be made the subject of profit; but I do not think that any of these murders is more base, or more infamous than this murder, perpetrated on this poor man, who had finished his work of labour in the toils of that occupation to which Providence had destined him: he was entitled to lay his head that night on his peaceful pillow, and to look forward to the return of that day when even the weary artisan is entitled to repose: he was entitled to the repose of body and rest of mind, that he might dedicate to his God one day of the week, and pass some hours without bodily fatigue, if not without mental solicitude. But, Gentlemen, the more base, the more unprincipled, the more inexcusable this deed of darkness, the more are you called upon not to convict, unless your minds be overwhelmed by that evidence of which, in one thing, no doubt can be entertained. Gentlemen, there were several people in the neighbourhood of the place where the deed was done. Some still live—one has departed; but although she has departed, truly her voice still speaketh from the tomb. And it is a consolation that the law has allowed, despite of objections had they been made, that voice to be heard which cometh to your ears in notes so clear, and toucheth your hearts in a manner more affecting than had it come from the living lips of the witness. But before I speak of it in detail, let us look at the rest. We have heard much of contradictory evidence, and of the manner in which those witnesses, who spoke to the *alibi*, had contradicted one another. I shall speak to that hereafter; but in the meantime I enter into this inquiry, calling your attention to the strong and striking contradiction of the witnesses who were in the vicinity, witnesses to whom the Crown attach no suspicion, to whom I attach no suspicion. Smith's dying declaration bears that he had been taunted by a man of the name of M'Graddy. I do not read the words, I know I state them accurately. He thought he was to die because he was a nob. He had been taunted by M'Graddy. This very M'Graddy is seen by Mrs. Smith in the vicinity of the place where the shot is fired. Do not imagine that I am saying M'Graddy is the murderer; but look how easy, when suspicion, that hated word, how easy, when suspicion first enters into the mind, how easy it is to conjure up circumstances against any man. M'Graddy had taunted him, and he is seen by Mrs. Smith in the vicinity of the spot, and yet we hear no suspicion against M'Graddy; we hear suspicion against M'Lean. But this is not all. There are three or four witnesses examined who are in the vicinity. There is Duffy, Bonar, and the men from Ireland, Luke Connolly, and O'Donnell—is their story consistent? Why, Gentleman, one says this—that it was 10 minutes after he saw the flash before he heard the cry. There were several other contradictions. He stopped 10 minutes, the other went on. I do not trouble you about crossing streets, or sitting in this part or in that part of the room, which is brought forward in order to stultify all our evidence. Look at these contradictions in witnesses who were near the spot of the murder. None of them agreed: neither that strange witness, who used the singular expression, "if the butt end of the pistol was foremost he would have a stinking potful," nor the boy who talked about the squibs, agreed in their evidence; and had he been a cotton-spinner, we would have heard a great deal of this squib. He would have had a "stinking potful." He would have had the contents of this in his own bosom. I took it for a squib, says the

boy. Language not common to our ears, but common, perhaps, in that state of society. And if this had been a cotton-spinner, he would have been the man of squibs who had set fire to the mills, I suppose. Think of that;—see how unquestionably honest witnesses express themselves on lamentable occasions; see how the mind becomes vulgarized; see how the memory becomes obliterated. Look at the contradictions, and I will venture to say, that, amidst all the alleged contradictions of my learned friend, the Lord Advocate, about singing songs, taking porter, and all these pitiful circumstances, arrayed against our *alibi* witnesses; these sink into nothing when compared with those contradictions of witnesses not impeached and not impeachable. But I tell you there was a witness whose testimony is of overwhelming weight. Look at the state of Mrs. M'Donald, as proved by Smith and his wife. Here, too, we have slight inconsistencies. But is it the law of this country—is it the dictate of humanity—is it the dictate of reason—is it the principle on which you mean to act, sworn as you are to do your duty—that all contradictions, however slight and trivial, are to be fatal to the prisoners, and all contradictions on the other side are to support the case of the Crown? No, justice is even-handed. We are two parties met on this arena, and the contradictions of this Mrs. M'Donald, see how trivial they are, I mean of her statement, or rather account of Smith and his wife. The point is whether they have passed or not. One stated the flash met her, the other they had just passed. That is a confirmation of the truth of the story of Smith and his wife. If the Crown witnesses had concocted the false story of Mrs. M'Donald, they would have agreed on so important a matter as that. But does my learned friend impeach the credibility of his own witnesses? No, he is too manly to do so. They had no connection with this matter, to bias their evidence. Now, if you believe them to have given a true account of what Mrs. M'Donald stated, who had no interest in this matter, and who is now unhappily removed from your sight, I say the case is at an end. What was her account of it? The dress and the stature in no degree correspond with M'Lean. Mr. Smith said, "she told me he was a little, stout man, with dark mole-skin clothes, jacket and trousers of the same." This comes out when cross-examined. Then we call the wife of this witness. She was in the list of the witnesses of the Crown, but not called on account of that cross-examination. But we call her, and what is her account of it? She said he was a little man, with dark or dirty mole-skin clothes, and that he was below the common size of men. M'Lean is above the common size of men.—Stand up. (Here M'Lean stood up.) He is taller, I believe, than any of the other prisoners. Says my learned friend, the Lord Advocate, this must have been a mistake on the part of Mrs. M'Donald; she may not estimate the height of men as others do,—she may have been mistaken. God help us! Gentlemen, will this do? Is every thing a mistake that tells in favour of the prisoners? She is the only eye-witness; she is an unsuspected witness, not our witness; and she was not placed there by the man who did the deed. She was not a conspirator, I presume, on the one hand, and on the other she had no reason to say anything favourable or unfavourable. She has gone to her account; and are you to believe that without cause, on a subject so momentous, after she knew that a man's life (a stranger to her) depended on it, that she fabricated the story? No; she made the statement repeatedly; her account was consistent: her story hung together. It is destructive of the idea that M'Lean fired the shot: the dress is different, and the stature is below the common height of men. Oh! but somebody may have fired the shot, says the Prosecutor, and M'Lean might be there: that somebody may have fired the pistol which he had procured from the secret committee, instigated by them, and it was not M'Lean that fired it,—thus stultifying the indictment, stultifying the whole of the case of the Prosecutor. This won't do. According to the theory of the Crown, it is all perjury when for the prisoners, all truth when for the Crown. Throw but that word conspiracy into an indictment, every argument, I fancy, is law, every thing for the Prosecution becomes creditable. Have we lived to hear such doctrines imagined? Are we on a fair trial? Are we living in a free land? Is this a British court of justice? Are you a Scottish Jury? And will you take such an account of the matter? I know you

will not. Well, then, Loag sees M'Lean at the Green of Glasgow, and leaves him at the Cross about half-past 9 o'clock. Is the intention to murder Smith individually, or is the intention to murder any body that is a nob? Which is the theory? The Kirkintilloch cabinet-maker avers he heard that Smith in particular was to die that night. M'Lean is seen by Loag, the Crown witness, at half-past 9 o'clock. Cameron's tavern is proved to be a mile and a quarter from the spot where Smith was shot. Well, then, Mrs. M'Donald, in her account of the matter, gives a description inconsistent with M'Lean. Ah! but, says the Prosecutor, M'Lean gets up a false *alibi*; he gets Loag's name put to it;—they hold a meeting at Stephenson's. A conspiracy within a conspiracy—a wheel within a wheel. M'Lean's father, not authorised by M'Lean, gets Loag to put his name to a certificate,—he does so; he gets the certificate back, and there are found two certificates, both in the house of M'Lean's father. Now, be pleased to attend to this, Gentlemen, you shall see both certificates. One of them is a mere copy. It is described in No. 24 of the list of the documents, as a copy certificate. It is a copy. Then, there is the other certificate, which is signed. Now, the matter of these certificates began thus. My friend, the Lord Advocate, put the copy certificate into the hands of Loag, and asked him whether that was his signature: he said no. Neither it was. It bore to be a copy. The tendency of this was to make you imagine that a false subscription had been appended to that certificate. He was then asked, is that M'Lean's handwriting: he said he was not quite sure. Why was that asked? M'Lean admitted the handwriting in his declaration. Well, then, there was the other certificate bearing 5 signatures. The Court admitted, with many remarks, the evidence of the witnesses who signed that certificate. Gentlemen, it is my duty to bow to the Court. And, Gentlemen, in discharging that duty, if I did not agree with the Court in the reprobation of these proceedings, I would venture to appeal to you. But, agreeing, and respectfully concurring with the Court, I reprobate as much as any man the getting up of such certificates. They never can serve the purpose for which they are intended. But in that station of life, in that state of society, with an anxious father, or an over-zealous friend, there may be acts done which stern justice and strict law shall reprobate, but which humanity and common sense will overlook. And, above all, be the acts done as improper as you please, they are but a circumstance—they amount to but a circumstance against the parties concerned. It is not upon such acts of impropriety—it is not, if you please, upon such acts of immorality, viewed not always by the lower class of society with that strictness with which they ought to be considered—it is not on that that the life of men shall depend. No, you are to probe deeper—to probe it to the quick; and tainted as that evidence is, it comes stamped by the hand of law, not with the stamp of exclusion. The Court has done its duty, and I am endeavouring to discharge mine; but at last it all terminates with you: in your hands is the whole evidence—in your hands is the life of that man. And when I shall have done,—but I regret to say, for your sakes, I have more yet to trouble you with,—no more can be said; but this must be said now, that it is not upon a circumstance such as this that you are, whatever you may suspect, to convict the prisoner. Let us look, then, at it. I meet it boldly, front to front, with all its imperfections on its head. I called the witnesses—I was bound to call them. Well, what is the story? How many of these have you had before you? You have had two, whose names are at the certificate that bears actual subscriptions. But you have had others on this branch of the case. You have had Miller and Lockhart, and you have had M'Millan and Grieve, and Finlay. What is the story, and how does it hang together? Loag leaves M'Lean at half-past 9 o'clock at the Cross, and they go to Cameron's. The proposal to go there is made by M'Lean. M'Millan was a stranger, or had been, at least, but a short time there, which squares with the idea of M'Lean being known to Cameron. They arrive; is there any contradiction in their statements of streets through which they passed? That they could hardly have concocted: they arrive there. Upon cross-examination, the story of the pitching comes out. They all agree as to the tossing of the halfpence. They



cannot recollect whether M'Lean tossed with halfpence—cannot recollect where they sat—whether on one side or the other, or in a corner: some of them do not recollect this. Some of the questions I could hardly follow myself. I doubt if on any Christmas holidays, except the present, I could give a distinct account who had sat opposite me or beside me. This Christmas, I shall not forget that I have had the honour of sitting opposite my learned friends, engaged in this painful investigation. And there was one glass,—all agreed on that; it comes out on cross-examination. Was it gas or candle? It was gas,—all agreed to that. Where was the gas-burner? Some said from the roof, and some thought from the wall. What is that? They describe, not in words prepared at the time, the hour, by different expressions. All agreed it was about 12 when they parted. M'Millan said it was his custom to warn away at 12 o'clock. They could not know the custom of the house, for they were strangers there, and I fear that, in the low houses of Glasgow, the Sabbath morning may be sometimes broke in upon without such warning. M'Lean sung a song, says one: others do not recollect the fact. Gentlemen, are the hours of festivity and merriment made the subject of regard? Are all the things we do set in a note-book and remembered? If so, many of us may be ashamed of the songs we have sung, and many more may have forgot their meaning. No, I have heard that songs are sometimes sung in which meaning is not, and which carry nothing to the mind, however they may tickle the ear. But if all this is to be proof of inconsistency—of perjury—God help the singer—God help the hearers! Then there was porter,—they all agree that the whisky came in in a half-mutchkin stoup; some of them forgot the porter, and some of them declared there was no eating; but behold, there was a biscuit! Gentlemen, are these contradictions? If they are, they are like the contradictions of the witnesses, one of whom said they had stopped ten minutes on the street, when murder was a-doing, before they went to the spot. Are they not confirmations rather of the story? But before they leave Cameron's, two cotton-spinners came in: one says he staid 5, another 20 minutes. They were to get their pay that night. Finlay comes into the room,—all agree in that; M'Millan proves it. Is he perjured? M'Millan knew M'Lean afterwards; he saw him on the Monday—saw him afterwards. He conversed with his master about giving him credit,—the credit was given. We have not Cameron called. Why is he not called for the Crown? He was in their former list. Finlay was in Cameron's: there is a great number of them,—8 or 9 altogether. They leave Cameron's,—they all agree that M'Lean was first; that came out upon the cross-examination. They go to M'Ilwraith's. M'Millan says it was well on to half-past 11 o'clock at night; it might have been more. The others make it about 12 o'clock. I think it is more likely that it was well on to 12 o'clock. They had no reason to go away, as they were going still to drink,—they were not done with their orgies,—their wretched aliment was not all spent—a bad way of spending it, I admit. They go to M'Ilwraith's, leaving Cameron's at half-past 11 o'clock at soonest; the murderer was out and doing it at that hour more than a mile off. If you believe M'Millan, whose testimony is unimpeached, M'Lean was in that house when the trigger of the pistol was drawn in Clyde-street. M'Ilwraith proves that they came there after 12 o'clock. Grieve leaves—that is their account. Grieve is not found at M'Ilwraith's. They meet Walker;—could they invent that? He is with them at M'Ilwraith's. M'Ilwraith, who has nothing to do with them, proves, that M'Lean came there at 12 o'clock. The dress is the same,—no appearance of running or hurry,—no perspiration running down his forehead,—no blood had stained his hand,—he was in his usual way. They remain in M'Ilwraith's for a while; and with the rest of the evening we have nothing to do. The curtain of this tragedy had dropped in Clyde-street at 20 minutes past 11 o'clock. Now, how will the theory do, as Campbell had announced in the tavern, that Smith was to be shot on that night. M'Lean had to run a mile and a quarter,—two miles and a half through the most crowded streets of Glasgow, when the police were on the alert for cotton-spinners, that horrid genus of mankind. Smith was to be killed that night, according to Campbell, and Smith was in his own house at 10

o'clock. Who knew that Smith was to be in Clyde-street at that hour? Who could tell that he should find his victim there? Or if Smith was not his victim more than another, and that any other was just as good, why run so far on the mere chance of finding him? There are still other working men; one is as good as another to this supposed murderer—one is as good as another to this supposed conspiracy. A reward is offered on the Sunday. Well, a price is put on the head of this murderer, most properly. Where is M'Lean seen next? He was armed with his certificate of departure—he had the testimonial characterised in the way I have mentioned. He was pondering a departure to America, says my learned friend, on account of the murder. Where is he next seen? At his usual haunt, with his usual companions, on the Monday. Loag sees him on the Green of Glasgow, in his usual dress, with all the cotton-spinners around him. What is this? The authorities were on the look-out for cotton-spinners for a long time past—on the special look-out for the murderer of Smith. They had offered a reward for his apprehension. He goes back among the cotton-spinners—seen in the Green on the Monday morning. Where next? With Loag at the Cross—seen afterwards by Loag at the Calton—seen by Dickson at the committee rooms. Then he comes again to Christie, and we have Christie with M'Lean, according to his own account, on the Tuesday after the murder. Nobody is present at this noted interview. You recollect the account he gave of it, the communication he made at the time, "for God's sake, Willie, go away." You remember the confession, "this was the wee paw that did it." It was on this occasion that he talked of the three days of darkness. Gentlemen, the Prosecutor had here fallen into an odd mistake. You recollect that Christie swore decidedly that it was at 11 o'clock the important confession was made. M'Lean said, there is a reward offered, pointing to a placard opposite the shop, offering £500 reward. This was at 11 o'clock of Tuesday, 25th July. You cannot get out of that. But Reeve, the bill-sticker, proved not only that the bill was not directly opposite the shop, but that it was not stuck up till 3 o'clock. He described the beat that he had gone, how he had gone along the streets, and that it was 3 o'clock when he got opposite Christie's shop, where he stuck up a bill in an entry. Ah! but, says my learned friend, the Lord Advocate, the bill is dated Glasgow, 24th of July. Tuesday is the 25th; the bill is dated on the Monday; therefore, Reeve is mistaken as to the day. Gentlemen, look at this bill itself; it states, that Smith had been shot at and wounded, and that he is "since dead." The medical certificate bears on the face of it, that John Smith died on the morning of the 25th of July; so says the evidence—so says the indictment also. Here is a specimen of written evidence—here is a specimen of accuracy—here is a document on which a man's life is to depend. This Christie, on the Tuesday, at 11 o'clock, sees a bill that is not issued from the press till 1 o'clock, and is not posted till 3 o'clock. Precious, pure, immaculate Mr. Christie! But, oh! says the Prosecutor, it is the wrong day; the bill is dated the 24th. Their own bill is mistaken, like their own witnesses. The bill bears, that the man is "since dead." He did not die till the 25th. Reeve is right, the bill is wrong, and Christie is perjured. Then comes the story of Christie, into the detail of which I need not enter. All that I said before in regard to the absurdity of his communication as to Arthur, and the story of the woman with her arms round her husband, all that applies to the absurdity of the other story. Christie goes away, shuts his shop, and on the Thursday, goes to London. He is in perfect safety there. He intended to emigrate to America, but changed his intention,—he cannot tell why. He cannot answer my question when pressed. He is helped out of his difficulties; he talks a number of foolish things—he talks of the three days of darkness—he could mention no other foolish thing. You heard every thing—you saw his manner—you know the reward, and you know his history. He made some communication to a man named Todd, and they do not bring him to prove the fact. Gentlemen, the committee is apprehended on Saturday night. Till that apprehension there is no allegation of any getting up of evidence. The alibi certificate is dated the 3d of August. On Sunday, the 6th, M'Lean is

apprehended. Then we have the story of his calling himself by the name of M'Intyre, and of his not inquiring anything about the murder for which he was apprehended. Then it is said that he hurried a letter into his pocket. That letter is found and is not produced, and could contain nothing against the prisoner. Then there is nothing more about his going away, excepting in his declaration, where he tells the story about Millar of Lancefield. He is pressed in his declaration, and he does not give a distinct explanation. The Lord Advocate, with a candour suitable to his high station, stated, when he read the declarations of this man, that he did not read them as evidence of these other men—that he did not read them as the evidence of poor ignorant persons that did not know what they were doing. Gentlemen, William M'Lean can read, and we are told that he can also write. No man in the situation in which M'Lean was, with the knowledge of accusations against him, can have all his senses about him, and stand a sifting examination without difficulty. And there were questions put—I do not mean improperly—which I admit were not explicitly answered. His handwriting he admitted at once, and he made other admissions; but he does not give a very distinct account of the cause of his flight and conduct, and there the matter rests. But if I have been at all successful in going through the circumstances of this case, I put it again to you to say, is this murder proved? There are two things, which in a court of justice never must be named, but to be reprobated—the one of these is fear, the other suspicion. Fear that crime shall go unpunished, is no reason for convicting without evidence; and suspicion, even the strongest, never ought to convict the accused. Gentlemen, we have an appalling picture drawn, by the Sheriff, of the state of Glasgow, and at the outset I called your attention to the number of outrageous acts mentioned and gathered together in this inquiry. Gentlemen, I think he stated that there was reason to believe these were now terminated. Gentlemen, for the purpose of this inquiry, I care not whether they are terminated or no. As a true citizen of this state, I trust in God that they are at an end; but the fear of consequences is not to affect you in the verdict which you shall return. No, though the fabric of the Constitution itself shall be undermined—though temples and towers went to the ground, let the tower of justice still stand unshaken, and amidst the darkness, and the depolation, and dismay of revolution itself, let the flower of truth still blossom in the wilderness; and, as to suspicion, it has been said by one of the noblest of created beings, that suspicion sleeps at wisdom's gates. Gentlemen, you have entered the gates of the temple of justice, and at its gates, also, does suspicion lie dormant. You must not only think no ill where no ill is, but you are bound to think no ill here, where no ill is proved. And, last of all, let me implore you, now that my lips are about to be closed, and the last word uttered in defence of him whose life is in your hands, now that the last word which I can utter in favour of the prisoner is to fall upon your ears—let me beseech you, fearlessly, manfully, like Britons, like Scotchmen, to throw fear and suspicion away, and to return that verdict, which you shall answer for to your God, is supported by evidence, leaving no rational doubt upon your minds of the guilt of this man. If you do otherwise, I conclude by repeating what I have said before, that a more fearful and a more tremendous slaughter, than even the murder of Smith, shall be committed by a judicial execution.

[Mr. ROBERTSON's speech (like that of Mr. M'NEIL), was followed with a loud burst of applause, which was immediately suppressed. The learned gentleman spoke four hours.]

**THE LORD JUSTICE CLERK.**—Gentlemen of the Jury, I am quite sure I need not say anything to you as to the magnitude and importance of this case, with which you have been so long occupied—as to its magnitude and importance both to those prisoners at the bar and to the public, and to the nation at large. The nature of it is such as to require great and particular attention, and I am extremely happy to say, without the least intention to flatter you, that I have the great satisfaction, in common with my brethren who have witnessed the unwearied patience, assiduity, and attention, which you have bestowed on the whole of this case, that I am perfectly certain that it is unnecessary for me to say one word as to its being

your duty to allow no consideration to affect your minds, as to what you may have heard previously to the trial, and that you will not permit any notion you may have as to the state of Glasgow or any other quarter whatever, to have the slightest influence on your minds, in discharging the important duty which is before you. You will feel it to be your duty to attend to the evidence, and to the evidence alone, and upon that evidence to rest the verdict which it is your duty to give. I am extremely sorry to state to you, that heavy as your duty has already been, I cannot discharge, with propriety, the duty which I owe to the country, to my Sovereign, and to you, and to the prisoners at the bar, without bringing the evidence, extended and voluminous as it is, fairly and fully before you. I regret this extremely, considering the extent of the labour you have already undergone; but I do not consider, that, whatever observations I may feel it my duty to make in the course of going through this evidence, it will be at all proper to keep it back; and my anxiety is to bring it fully and fairly before you, that you may from it, and it alone, subject to the able commentaries of the Counsel on both sides, be able the more easily to discharge your duty. It is necessary that you should keep steadily in view the nature of the charges under your consideration. The criminal letters which are voluminous, I may freely say, beyond example, contain, as you know, a variety of charges. These charges are generally described on the first page; and you there see a statement made of two illegal conspiracies; the first is an illegal conspiracy forcibly and illegally to raise or keep up wages or the price of labour, by means of threats and molestations and intimidations to other workmen; and the second is an illegal conspiracy, under which was carried into effect the purposes of the conspiracy, by means of writing and sending threatening letters—setting, or attempting to set fire to mills and dwelling-houses, invading dwelling-houses and murdering workmen, or by the perpetration of one or more of these unlawful acts. If you attend to the way and manner in which the charges are stated, it is quite possible that you may be satisfied that the lesser of these charges is proved, while you may not be satisfied that the greater charge of conspiracy is established. One of the threatening letters stands as a charge by itself. The charge of murder is against the whole of the prisoners. In regard to the charge of conspiracy, there is an introductory part of these criminal letters with which you are familiar, extending over a considerable number of pages, in which the Prosecutor gives us a sight of the history, nature, and character of the Association of Cotton Spinners of Glasgow, and the various proceedings which he states had been resorted to by them unlawfully and illegally, for the furtherance of the object which they had in view, the keeping up of the price of labour. That part of the indictment is narrative; but it is important narrative, introductory to the specific charges of actual conspiracy which are preferred against these men as having taken place in 1837; and it was most correctly observed by the learned counsel for the prisoners, that it is to the proceedings during that year, that the acts set forth as having taken place during the months of April, May, June, and July, that your attention is to be specifically directed. The Court found that the indictment containing the general narrative is a relevant charge, as introductory to the transactions that took place in the spring of 1837. Complaints have been made that these prisoners suffered great hardships from not having, in regard to the narrative, a detail of the special facts and circumstances which the Public Prosecutor might adduce in support of the statement therein contained; but the Public Prosecutor neither asks nor expects from you any verdict in reference to them—he does not ask you to convict the prisoners of any one of these criminal acts which he asserts were perpetrated in the early periods of the Association, and which are brought forward merely to explain the nature and history of the Association. They do not stand in the situation of parties who are entitled to require that the Public Prosecutor should specially condescend on these criminal acts. I concur with Mr. McNeill, in stating, that it is with the specific acts of conspiracy, and the means, and way, and manner in which the conspiracy was conducted, and took place within these few months, that your attention is to be particularly and specially fixed. But you will not be surprised that the Public Prosecutor thought it his duty to shew you

that this Association had, for a considerable course of years, in prosecution of the same object of keeping up the rate of wages, and of accomplishing the purpose. it had in view, resorted to a variety of illegal acts, intimidations, assaults, shooting and murder. The Public Prosecutor is not entitled to insist in any of these charges. It is only in the charges during the strike in 1837, that he insists on, these prisoners being either the principal movers or participants in these acts of conspiracy, and in the means adopted to carry them into effect, and it is only as to these that you can find them guilty. As to the threatening letter, it must depend on evidence by itself. The charge of murder is specifically stated—that these prisoners did hire M'Lean to shoot John Smith, which is also a separate charge.

These, Gentlemen, are the charges. Now, I consider that I shall best discharge my duty by departing for a space only from the order of arrangement, by directing your attention to the evidence of a witness, who will explain a circumstance that must have attracted your attention to the evidence given on both sides. What I allude to was the difficulty in obtaining evidence in regard to the matters that have come before you. That there was difficulty in this, there is no doubt. The Public Prosecutor has told you that he did labour under extreme difficulty in being able to lay before you any evidence whatever in regard to the nature, character, object, and intention of the persons engaged in that conspiracy, which he felt it to be his duty to charge against these prisoners; and in this he is borne out by the evidence. The witness to which I refer is Mr. Alison, sheriff of the county of Lanark, and his evidence I will commence with.

(His Lordship then proceeded to read his notes of the evidence, on which he occasionally commented.) Here, he said, is the authority of the Sheriff, that after the apprehension of this committee, (though previously the state of Glasgow was such as he has stated to us,) there has not been any one act of violence of the nature of combination since the apprehension of the prisoners.

His Lordship then proceeded to read the evidence of Mr. Salmund and the others, as to the proof of the declarations of the prisoners. In reference to Moat's evidence, he said, this witness came out of prison to be examined, where he went to for protection, and to whom an assurance of continued protection was required to be given, and in your presence it was given, and that in whatever he should disclose he should come under the full protection of the law. You have heard the statement he has given of the appointment of the secret committee. You have had an opportunity of judging of his appearance. It is one of the incomparable advantages of trial by jury that those who are to determine on the evidence see the witnesses face to face, and can better judge of the weight of their testimony. You will judge whether this man gave his evidence in such a manner as is entitled to your credibility, or whether he was diabolically contriving a statement to affect the interest of these prisoners under their trial. If his evidence is an invention, if the whole of it is a fiction, you must consider it as an extraordinary fiction indeed. It is for you to consider his evidence. Weigh it well; and while it was attempted to be contradicted, you must keep in view that part of his testimony sworn to you, that there was an oath administered to the members on entering the Association, that they were to stand by the voice of the majority; and you know you have a witness who stated most emphatically that he was six or seven times before the Sheriff before he could get rid of the impression of that oath. Keeping in view the manner in which Moat gave his evidence, you will see that it was of importance to get rid of him as a witness. Very properly the Counsel for the prisoners tried to object to this witness, and they have done their duty to their clients most creditably; but their objections to his evidence the Court was under the necessity of repelling.

His Lordship then read the evidence of Moat, commenting on occasional portions of it. On the evidence of Murdoch his Lordship said, in regard to the certificate to M'Lean, it is declared to be different from what is called the free line. This certificate was found in his possession. It was put to you with great power that it was a most extraordinary thing to take from this certificate a charge either of

murder or conspiracy. It was said, that this was ridiculous, and would give this man the stamp of infamy, which he was carrying, not on his forehead, but in his pocket. Now, you will see that this is not the way in which this certificate can be dealt with. You have the statement of the prisoners that it was given in contemplation of this man going to England along with Montgomery, and that it got the signature of those four prisoners in the capacity of preses, secretary, treasurer, and assistant secretary. You will have to compare this declaration with the letter that was found in the house of Hacket, bearing to be subscribed by Patrick McGowan, which is held to be evidence, although the handwriting was not proved. There it was found, it is now on this table, and the contents of it are evidence before you. You have the statement of the exertions that were making then in behalf of the Association to obtain supplies for them; and, above all, you will observe that it bears reference to that matter of fact that he had received information that six of the men had left Glasgow, and that they must be coming to Manchester, if they had escaped the authorities, and that he would take every measure of precaution to place them in safety. This man was exciting the cotton-spinners in these districts to raise funds for the Association; and here you have this testimonial, with the names of these four men appended to it, given to M'Lean, who professed his purpose of going to England. Had he gone there, he would have produced this testimonial in his favour there, and, therefore, it is not so ridiculous to say, that this is not an ordinary free line, but granted under particular circumstances.

His Lordship, in regard to the evidence of the engravers as to the handwriting of M'Neil, said, it was the weakest of all evidence. I am bound, continued his Lordship, to state to you that it appears to me, and to my brethren, that the evidence as to this charge is deficient; and the manner of transmitting, or rather the place of posting the letter, has been proved by the evidence for the prisoner to be different from that set forth in the indictment. Your safest course, therefore, is to find that the charge against M'Neil of writing and sending threatening letters is not proved.

In regard to the evidence of Donachy and Mary Devan as to the house being broken into, his Lordship stated, that it was impossible for any proposition to be made clearer. The assault also on Gray and Kean, he said, was proved, and to be one of the assaults emanating from the Association.

On the evidence of Christie, his Lordship said, whether this witness has given his testimony in a fair way, and in such a way as to obtain credit, you are to judge. But a direct attack, a most powerful attack, has been made upon it by the learned Counsel who last addressed you. He has put it to you in the most pointed manner, whether this witness is a fair witness; and it is for you to judge whether, from his own statement, and the testimony of other men, this man has demonstrated to you that he is a perjured witness, not that he is incorrect, but that he is perjured, and that the statements he has given throughout are perjuries. It is my duty to say to you, in regard to the charge of murder against M'Lean, that if your opinion is that the attack on the evidence of this witness is well-founded, that he is perjured, there is a total end of the charge of murder. This is my decided and clear opinion, and the opinion of us all. You must make up your minds, therefore, whether this evidence is to be believed by you, yea or nay. You must, in judging of it, consider the whole of his statement, the way and manner in which his communications were made to you; you will judge of them by themselves, and compare them with any evidence brought against them. Daniel Montgomery was unquestionably at the meeting with Christie and M'Lean, when the alleged story about the gloves took place. You have Montgomery's evidence giving a direct negative to that part of Christie's statement. You have also to take into your consideration the evidence about the placard. The bill-sticker swore that he proceeded to stick up the bills at one o'clock, and he gave you his whole progress till he came to the Gallowgate, where he stuck up two bills on two sides of a close, nearly opposite Christie's shop, and that this was done at three o'clock in the afternoon, and the proclamation which it contains bears

date the 24th, and Smith died in the Infirmary on the 25th; the very day on which the reward was spoken of. But you have, opposite to the attack on the evidence of Christie, to consider how this person could have most diabolically invented the whole of this statement, those minute details which were made to you of the conversations which passed between them of so extraordinary a nature. You have to make up your minds on the question to be determined by you, whether this man is to be believed as a true witness or a perjured witness,—and you have to consider the extreme incredibility of a systematic invention by a person determined to give correct evidence. You must judge of it, as well as the grounds of the charge. You are the judges of the evidence and the weight due to it; and if you should come to be of opinion that there is validity in the objection taken to his testimony, that he is not a witness you can believe, it is quite unnecessary to consider and weigh the testimony of the other witnesses as to the murder. Without the detailed account which this man has given of communications made to him by the prisoner, M'Lean; that he was the man who deprived Smith of his existence, I must state to you, that if you have any doubt as to the truth of this man Christie's evidence, I certainly think that the rest of the case as to the charge of murder rests a great deal on too slender grounds. I am, at the same time, bound to state to you, that the matter in regard to the *alibi*,—the way and manner in which that certificate was got up,—the proceedings of the father,—the statement of M'Lean in his own declaration, are matters of importance, taken in connection with the evidence of Christie, if you do not believe him to be a perjured witness.

His Lordship then read over the evidence of Christie, and stated, generally, that in all his conversations with M'Lean he admitted that M'Lean was under the influence of liquor. His Lordship thought that there was not evidence, apart from Christie's, that the debt committee ever sat in his house. As to the fact of M'Lean's confessions, it was to be observed that there is evidence of a conversation between Dickson and M'Lean, in which a similar communication was made by M'Lean in regard to one being asleep. There was no doubt but this communication was made to Dickson, and the credibility of the statements of Christie might seem less incredible, when they heard from this man, an elder in Mr. Harvey's church, that such a statement was made to him. After reading and commenting upon the evidence of the other witnesses to the murder, his Lordship read the declarations of the prisoners. He commented on the fact of M'Lean's leaving the town because he had been told by Walker that a warrant was out against him for assaulting Mr. Miller of Lancefield; and the Jury would ask themselves if this was the truth, why Walker was not called to corroborate that statement; and if this had been corroborated, how different would the case have been in regard to M'Lean. In regard to the witnesses who had signed the certificate, that they were in company with M'Lean on the night and the time of the murder, his Lordship said, that he and his brethren would have felt great pain if, by the stern decree of the law, they had been compelled to reject these witnesses who appeared for the *alibi*. He was bound to state to them, that the prisoner himself had not acted in it; it appeared merely to be the act of the father, and not of the son. He did not regret that it had been decided that these witnesses should be received, although the circumstance of their assembling together, and signing such a certificate, might have been sufficient to exclude them as witnesses.

His Lordship finished reading his notes of the Crown evidence at 11 o'clock, being occupied with it nearly 9 hours; and in order that he might do equal justice to the accusatory evidence, the Court adjourned till next morning at half-past 10 o'clock.

## EIGHTH DAY.—THURSDAY, 11th JAN. 1858.

(The Court met at half-past 10 o'clock.)

The LORD JUSTICE CLERK, after expressing his regret for the great length of the labour of the Jury, proceeded to resume his charge; and called their attention to the exculpatory evidence. In regard to the absence of the whole of the members of the finance committee from the meeting of delegates on the evening when Dr. Taylor addressed the trades in the Green, he said, that the Jury would consider how easy it would have been to prove where the members had been on that evening, (for it was proved that they were sitting almost constantly,) if they had not been engaged in such a meeting as Most bore testimony to. In regard to Johnston's motion for a "persecuting committee," an endeavour had been made to explain this away, by saying it meant a prosecuting committee, for the purpose of prosecuting for the recovery of the £10 paid to those who entered into the emigration scheme; but he held it impossible, on any principle, to hold that this was explanation of the nature of that motion. Why, he would ask, was not Johnston brought forward to explain his own motion, instead of calling other witnesses to give their explanation of the purport of another man's motion? The Jury would judge if the explanation made in regard to it was at all successfully more especially seeing that Johnston was kept back. After commenting generally on the evidence as to the guard committee, his Lordship proceeded to read the evidence in regard to the murder. He pointed out minutely the discrepancies between the testimony of Christie and that of Montgomery. The latter witness positively denied that he ever inquired for black gloves or mitts, or that he ever saw M'Lean get gloves or mitts from Christie, or return them to Christie. This man Montgomery's evidence had been brought for the purpose of being put in opposition to Christie's. The Jury had seen both witnesses, and they could judge, from the appearance and testimony of both witnesses, whether the one was more entitled to credit than the other. In regard to the *alibi*, the Jury would recollect that in the cross-examination of some of the evidence for the Crown, an attempt was made to satisfy them that the shooting of Smith took place when the prisoner was in such a part of Glasgow, as to render it impossible that his could be the hand that perpetrated the deed. No defence could be better than an *alibi*, if satisfactorily proved; because if it be such as a Jury could rely on, it was totally and exclusively a proof that he was elsewhere at the time of the commission of the deed. But as *alibis* were resorted to in many cases, which had failed, and which had brought disreputable on the persons who brought such means of defence, the only way to show that the *alibi* in this case was utterly unfounded, it was thought proper by the Counsel for the Crown to cross-examine the witnesses for the *alibi* with great minuteness, to see whether they agreed in other circumstances than the mere fact of the prisoner M'Lean being with them at the time. A great many questions had been consequently put as to other circumstances; and if it appeared to the Jury that the answers shewed that they did not unite thoroughly in every thing else but in the question as to the point of time, the question remained for the Jury to say whether the proof was such that they could safely rely on it. It was to be observed that Cameron was not called to establish the *alibi*; and he would have been an important witness. After misadverting on the certificate signed by the *alibi* witnesses, his Lordship called the attention of the Jury to the fact of the cotton-spinners in the room where the certificate was signed, interfering to give their advice, and one witness swearing that this interference made an impression, and helped him to sign it. After finishing the reading of the evidence, his Lordship said, Gentlemen, having occupied so much of your time in bringing the evidence fully before you, I have yet a few words to address to you before you retire. I have explained fully that I do not think there is competent legal evidence to find Richard M'Neil



guilty of writing and sending the threatening letter to Mr. Arthur. That charge I have disposed of as far as I am concerned. There remains now the other charges. In regard to the charge of murder, this charge is not preferred against William M'Lean alone, but the whole prisoners at the bar, commencing on the 30th page of the indictment. I will not detain you by reading the particulars of it; but it consists in this, that these four prisoners did, when acting in the way and manner stated, hire and engage the prisoner M'Lean, upon a valuable consideration to him,—a reward of £20—to murder John Smith, and that he perpetrated the act of murder by shooting at Smith, who was thereby murdered. The whole of the prisoners are charged with this, and undoubtedly it is clear, as stated by Mr. Robertson, that the greater and heavier the charge, the more clear and satisfactory must be the evidence. This is consistent with reason; because it would be a most dangerous thing if a conclusion were to be arrived at in a great offence without strong, satisfactory, and convincing evidence. You must be perfectly satisfied that the evidence is clear on the subject. All the proof laid before you as to the way and manner in which the act was committed, and all the circumstances that preceded it, and all these that followed from it, you are to judge of, and to judge whether satisfactory evidence has been laid before you that the four prisoners at the bar hired, procured, and instigated M'Lean to commit this deed, and that M'Lean fulfilled their instructions. Gentlemen, my duty is not to disguise any impression the evidence has made on my mind, and to state to you, that, notwithstanding all the evidence before you, I do not think there is sufficient evidence that these four prisoners, Hunter, Hackett, M'Neil, and Gibb, did engage in that criminal undertaking in the way and manner stated in the indictment. It is not a matter to be left to implication, far less to conjecture, or bare suspicion, that they did enter into such an infamous transaction. The evidence in regard to it must be clear, satisfactory, and conclusive, and leave no doubt in your minds that that which is charged against them has been established. I do state to you, that in my opinion, and in the opinion of my brethren, we do not think that that part of the charge, so far as the four prisoners are concerned, is established.

There remains this other matter, that although it is not proved that this prisoner, M'Lean, was hired, instructed, or instigated by the four other prisoners to commit this deed, is he the person who did perpetrate it? Was his the hand that shot this unfortunate man? Or was he a person aiding and abetting, or assisting at the moment Smith was shot? This rests on evidence which I am not going to recapitulate,—you heard it delivered and ably commented on by Counsel on both sides; and you are to judge of the weight that is due to it. I had occasion to speak to you of Christie's evidence. If no faith is to be put in his evidence, there is not matter for you farther to proceed on in regard to it. It is not a confession alone, Gentlemen, that can be the ground of conviction; and even if you are of opinion that Christie's testimony is to be relied on, you are to consider what effect it is to have along with the rest of the evidence. The evidence in regard to it is of various descriptions. One part of it is the getting up of documents to satisfy the friends and neighbours that he was not there, and that, in fact, he could have no participation in the act. This is a part of the case deserving of your attention. You will weigh it calmly, deliberately, and dispassionately, and consider the way and manner in which the truth has been endeavoured to be expiated. I give no other opinion than what I have stated. I have endeavoured to do my duty in bringing it fully before you, and you can draw your own conclusion. If these witnesses who support this *alibi* are to be believed, then I do apprehend that, according to the other evidence of the case, M'Lean could not have been at this murder. The distance, the time, and circumstances, you are aware of; and, therefore, if you come to that conclusion, you will be free from any difficulty in regard to this part of the case, for it goes to prove that his could not be the hand that perpetrated the deed.

There is another matter, of an opposite description, that also deserves your consideration, and that is the circumstance in which he left the city of Glasgow.

You know the account he endeavours to give of this,—you know the circumstance of his denying his name to the officer that apprehended him,—the state in which he was when the officer took him into custody,—you know he left Glasgow in a clandestine manner, although it is proved that he did not abscond immediately after the murder, but that, as I am bound to remind you, he appeared in various places of the city, in the same dress; and it is not till the apprehension of the whole committee that he does abscond. This you are bound to take into your serious consideration. The reason he assigns for absconding is his being accused or suspected of being concerned in an assault on Mr. Miller of Lancefield, and that was the reason that made him leave. But there is no evidence of this fact,—the person that warned him of this has not been brought to corroborate this statement.

Another branch of the evidence that deserves your attention is the way and manner in which Smith was shot at. You have his dying deposition, his wife's account, the account by Mrs. Smith of what the woman M'Donald saw, and which she communicated to her recently after the murder. Without entering into any criticism, I only beg to tell you that her statement amounts to this,—that she had witnessed the actual commission of the crime, and she did distinctly state to Smith and his wife, that it was committed by a single individual, a low-set man, dressed in dark moleskin jacket and trousers, and that he went up the street, and mixed with others in a close. You have also the four witnesses, who gave their account of what they saw. They observed, at the time, two persons passing up the street as if coming from the spot where they found Smith lying. Their evidence is quite of a different description from that of the witnesses Smith and his wife; for, according to their testimony, it was one man who did it, a low-set man, with jacket and trousers. Mrs. M'Donald, they told you, said, that she followed him up the street, saw him adjust his hat after he had fired, and go into a close, mixing with others. Most unquestionably if you believe that the men who passed up the street, and were seen by these four witnesses, were the perpetrators of the crime, there is a discrepancy between the evidence of Mrs. M'Donald, speaking through Smith and his wife, and the evidence of these four persons. If they spoke the truth, these two men who went up the street could not altogether be strange to the attack, for it is next to incredible that two human beings who had heard the report, immediately followed by the cries of murder, and were not concerned in the transaction, would not be the first on the spot, and to do so they had only to turn and go down a few paces. If the statement of these four witnesses be true, these two men were concerned in it. If there was any thing to warrant you to believe that M'Lean was one of those two men, then the case would be very different against M'Lean. This is a part of the evidence that deserves grave and serious investigation.

There is also the evidence of Mr. Hamilton, in regard to a passage in one of his vessels to America, which you will also take into consideration. An application had been made, previous to the shooting of Smith, by five persons, in regard to a steerage passage, and one of these five was the prisoner, Gibb. There is no proof that any passage was otherwise attempted to be taken, no attempt to take a seat in a coach, or a passage in a steam-boat to Liverpool, but merely that inquiry had been made previous to the Saturday on which Smith was shot.

You have again the evidence of Campbell, the cabinet-maker, to take into account, who, if you believe him, had an opportunity of hearing six or seven cotton-spinners, on the very evening on which the murder was committed, actually stating to one another, that "this night Smith will be shot." It was known to those persons that the deed was to be perpetrated that very night; and this witness swore, that next morning he heard that Smith was shot.

I leave you now to draw your own conclusions in regard to the murder. But I am bound to state to you, that before you can convict M'Lean of the murder, you must be satisfied that the evidence is such as to leave no doubt

on your minds that you are perfectly certain that he was the person who did commit that crime. There must be no conjecture—no suspicion—no guess-work. However strong your suspicions may be, you cannot rest your verdict on suspicions. It is my sacred duty to tell you, that the prisoner, M'Lean, is entitled to the benefit of doubt, which may exist in your minds. It does appear to me to be a case involved in great doubt. Having stated this much to you, I have no wish to encroach on your province.

I now come to the charge contained in these criminal letters against all the prisoners. M'Lean is admitted by himself to have been a member of the Association,—he is proved to have been so by the evidence,—he is proved to have been seen frequently about the meetings of the committee,—he is proved to have been at the committee posterior to the murder of Smith, and talking of his ailment,—he is proved to have obtained that certificate, on the nature of which I will not say a word more,—he is proved to have been there down to the critical moment when the committee is arrested; and afterwards he retires from Glasgow, and is found in Stirlingshire. No office is attached to him; but it is for you to consider whether you can separate him from the others in this conspiracy. After the whole strike was brought to a close, there is a full meeting in Stevenson's, when the certificate was got up in regard to his being in company with the persons who sign it on the night and at the time of the murder. There were many present, and a conversation ensued as to the certificate; and one witness swore, that he was impressed by that conversation to sign it.

Now, is there evidence that the Public Prosecutor has made out a case against all the prisoners? It is for you to judge. The Association, which had existed for a long series of years, did, in the month of April last, come to the resolution of having a general strike, and of not acceding to the terms of their masters; and in order to effect that, they did, as stated in the indictment, conspire, in the way and manner set forth, to accomplish their object by resorting to means of intimidation and assault, to co-operate with persons to commit violence, and to secure legal assistance for persons who had been apprehended for acts of violence; and in order to intimidate the masters, to cause threatening letters to be written and sent to them, and attempted to set fire to the premises of masters. All these are specified in this indictment. Gentlemen, you are to judge of the evidence that has been brought in support of them. I trust you will admit that I have discharged my duty in bringing it again fully and fairly before you. It is for you to judge whether these four prisoners, not M'Lean, held offices in the Association. They are stated to be office-bearers of this society, or of some body of the society; and it has been proved to you that these characters belonged to them alone in regard of them being at the head of an amalgamating committee of finance and supply, and having the whole transactions of the society under their knowledge and control. They were in the possession of these offices, and were in the performance of the duties of them, till the time they were apprehended. You have been attentive to the whole evidence. You are aware of the proceedings at the commencement, and the assaults at particular mills. You recollect the offences at Oakbank factory—at Mile-end factory; and you recollect the transaction in regard to a member of the Association, Keddie, who was apprehended and convicted. By whom was this man defended? Sheriff Alison tells you that he was defended, ably, keenly, and systematically, I have no doubt, by Mr. Gemmill, the agent of the Association. Keddie was proved to have been a member of the Association, and a cotton-spinner. This man was about to receive sentence, when the agent said, he would endeavour to get these proceedings put an end to, if the Sheriff would suspend the sentence. This was done, and for a time the guards were withdrawn. Is this not a proof of the charge in the indictment, that the Association defended crimes of that sort? It is in evidence that the agent was there, authorised by the committee of the Association. What was this but the executive committee of the Association, who had authorised him to make a proposition, as the negotiation between the committee

and the authorities. You will judge, then, if there was not such a committee, and whether these four persons were not the efficient office-bearers of that Association.

You recollect the assault on Donachy. He names the individuals who committed that assault, and you know the proceedings in regard to them. Then you recollect the Duntochar strike, and the apprehension that followed. An agent at Dumbarton is employed on that occasion; he becomes bail for them on the bail money being lodged in his hands, and that money, you are aware, came from the coffers of the Association, and that £20 were forfeited. This runs through the very theory mentioned in the indictment. And lastly, and ultimately, the remaining part of the bail money is paid back on a discharge from Parker, Treasurer of the Association; and you recollect that the obligation granted to return the money, was addressed to John Bunyan, and Peter Hacket, one of the prisoners at the bar. In regard to these acts, you have complete and satisfactory evidence of the charge of conspiracy.

Then, in regard to the threatening letters, which are not proved against McNeil; but be they written by whom they may, they are threatening letters; and from what quarter could they come, but from persons taking an interest in the Association? Arthur swore he received more than one threatening letter, and Bryson swore he received a threatening letter. You recollect, also, the attempt to set fire to Mr. Wood's house. This is not brought home to these prisoners personally; but the attempt was made by persons out of work. Then you have the combustibles thrown into Hussey's work, another work that had struck. Although they appear to have been in an ignited state, they did not set fire to the mill.

There is one other remark, in regard to which there is not a possibility of doubt. There is clear proof that what is charged in the indictment, in regard to the guard committee, did take place. After the conspiracy was formed, a guard committee was appointed. You can have no earthly doubt, that, by the acts and proceedings that took place when these guards were placed, their purposes have been sufficiently proved. Then comes the stipulation that the guards were to be withdrawn, if sentence was not passed upon Keddie; and they were actually withdrawn for a time. Whether you have sufficient evidence, not only of their resorting to those measures, but that they had murderous intentions in view, it is for you to judge. It is clear that the unfortunate man Smith believed that he had been shot, on no other ground than because he consented to work as a mob in Houldsworth's factory, having got the pair of wheels of a particular individual whom he named; and you have complete evidence that he was in terror and alarm; and he signed his belief at his dying hour, that it was on that account that he was deprived of his existence. Look to the whole of the evidence in the same calm, dispassionate, and deliberate manner in which you have attended to your duty throughout the whole of this case. Judge whether there is not proof, by evidence on which you can safely rely, that there was the appointment of a committee which was of that secret and select nature, that it had the control of the business of this Society. There is no doubt as to its appointment; but as to the mode of its appointment, there is contradictory evidence. But you are the judges of the weight of the testimony, and you are able to distinguish which class of witnesses you can give most credit to. But you will keep in view the declarations of the prisoners, and their refusing to answer certain questions—and the declaration of Smith that he heard some whisperings of a secret committee being appointed, although he says he heard them from no authentic source. You have the evidence of Moat that he was present at a meeting when it was proposed to appoint a secret committee. You see the way and manner in which they acted. When there was no strike, three individuals alone carried on the business of the Society; but when a strike took place, the supply committee joined them, and these persons had the management of the whole business of the Association. If you are of opinion that the evidence is sufficient in regard to these charges, you know your duty; and I trust in God that the verdict which you return as satisfactory to your own minds, may be equally satisfactory to the country. A case of greater importance to the country at large, has seldom or never been brought before a Jury.

His Lordship's charge, including the reading over of the evidence, occupied about fourteen hours.

The Jury, after deliberating for five hours, the Court remaining sitting, returned, and delivered by their Chancellor, Mr. Redpath, the following

#### VERDICT :

"The Jury, by a majority, find the charges Nos. 1, 2, 3, and 10, of the libel, Proved against the pannels as libelled, and unanimously find the other charges in the libel Not Proved."

The LORD JUSTICE CLERK said—Gentlemen of the Jury, In returning you the thanks of the Court, for the patient, deliberate, and faithful manner in which you have discharged the heavy duties imposed upon you in this case, I beg to assure you that the Court receive the verdict with satisfaction ; and considering the duties you have had to discharge, and the length of time you have been employed in this case, the Court will relieve you from discharging the duties of Jury-men for three years to come, if you desire it.

Mr. DUNCAN M'NEIL, as Counsel for the prisoners, contended that as the Jury had acquitted the prisoners of the fifth charge of conspiracy, on the 14th of June, the finding of the tenth charge proved, was inconsistent with their acquittal of the fifth, the tenth being founded on the statement in the fifth, that a secret committee had been appointed, which statement the Jury had unanimously found not proved. Mr. M'Neil therefore submitted to their Lordships, that the tenth count could not be taken into consideration in the sentence to be pronounced against the prisoners.

After hearing the SOLICITOR-GENERAL in answer, and Mr. ROBERTSON in reply, on this objection, (the debate on which lasted for a considerable time,) the LORD JUSTICE CLERK said, that whatever may have been the intention of the Jury, (which admitted now of no explanation, as their verdict was recorded) the Court were of opinion that they were not entitled to take the finding on the tenth charge into their consideration.

The Court then proceeded to deliver their opinions as to the amount of punishment to be inflicted on the prisoners.

Lord M'KENZIE spoke in so low a tone that he was only partially heard by the reporters. He said, that this was one of those cases in regard to which the law commanded them to pronounce an arbitrary judgment. The charges of which the prisoners had been found guilty were of a serious description. He was perfectly aware that the mere combination to raise wages was no crime by the law of Scotland. It was once thought a crime, but the combination laws had been repealed ; and of this he did not mean to complain. It was no matter who approved or did not approve of its repeal,—it was now repealed ; and had the Association stopped in combining to keep up the price of labour, the prisoners would have been subjected to no punishment. But they did not stop there. The conspiracy was not merely a conspiracy to keep up wages, and to strike in order to obtain that object, but it was a conspiracy by illegal means to deprive the employers and the employed of their undoubted right by force and violence, to rob the one of his right, to hire people to labour at such price as he thought he could afford or chose to pay, and to rob the other of his right to take labour at such a price as he could get it ; and when that combination proceeded to use violent and illegal means, threats, actual assaults, for the accomplishment of its purpose, and when they were actually used to a great extent and in repeated instances, it was impossible to form any other opinion than that they did commit offences of a most mischievous and injurious nature—of a most injurious nature even to that class of people to whom the pannels themselves belonged. That class depended entirely on their labour, and to deprive them of it was to reduce them to misery and want ; and yet here was an illegal power of tyranny maintained, by which, if they dared to exercise their natural rights, they were to be subjected to unbounded violence. It was proved here, by the verdict of the Jury, that these pannels were guilty of

those offences, which applied to all the members of the conspiracy; and to the instrumentality of the pannels must be attributed the vast extent of mischief which was the result of this conspiracy, and which extended to multitudes of people, as well as to those assaulted. In these circumstances, he felt himself bound, in the clear execution of his duty, to move that a judgment be pronounced against the prisoners of a very serious description. When he looked to those prisoners, and considered that the character of some of them was otherwise respectable, yet he was afraid that in certain respects their character was of a very dangerous description, that, to a certain extent, their feelings, in regard to law, morality, and religion, were extinguished. But however respectable any or all of them might otherwise be, it could not exempt the Court from applying to these offences such a punishment as would be sufficient to suppress such dangerous crimes in future. His Lordship felt himself, therefore, under necessity of proposing a sentence of transportation for seven years.

Lord MONCRIEFF said, that the Jury had relieved them of the painful duty of pronouncing a far more severe punishment against the prisoners than that moved for by Lord M'Kenzie. While the pannels were discharged of the most serious part of the charges in the indictment, they were also relieved of the 10th charge which the Jury intended to find against them; but a circumstance in the form of the verdict rendered it the indispensable duty of the Court to give the prisoners the benefit of being liberated from that charge also; and they did get the benefit of it in the sentence moved for by Lord M'Kenzie. But very serious matter still remained in the libel, and of which the prisoners were found guilty. They were charged with an illegal conspiracy, originating in this Association, for the desperate purpose—not of raising the rate of wages by withholding their own labour—but by force, and violence, and threats, and intimidation, against other persons, who had as good a right to use their labour as this Association had used theirs. It would not do now for the prisoners to say that the guard committee had not been appointed for the purposes alone which some of their witnesses held out. The Jury had found it proved that the guard committee was appointed for the purpose of employing persons to beset the mills as guards, not only to watch who went in, and to ascertain who were working at these mills, but to molest the workmen, to beset the mills, and endeavour to deter the workers from proceeding in their labour—not only to deter and intimidate them, but actually to commit violence on those whom they could find working under the rate of wages which this Association had thought proper to prescribe. It had been found that the conspiracy for this purpose had been widely spread and disseminated; and having done so, the second and third charges went to state two special instances in which mills were so beset by the guards for the purpose of molesting and intimidating the workmen. The first is the case at Oakbank. It was proved that that molestation did take place; and to what extent it went they had heard from the testimony of the Sheriff. It was of a most formidable description, and could not be tolerated in any civilized country, and had been carried on under a system which, if it had not been put an end to, might have utterly destroyed the whole trade and manufactures of this country. The third charge was the case of Keddie, at the Mile-end Factory, who was convicted by the sheriff. There was a meeting of the Association, at which they resolved to withdraw the guards. When they looked at the first charge, as to the nature of this guard committee, and at the third charge, which stated the manner and way in which the guards had been taken off by the interference of the Agent of the Association, could they overlook the fact, that after that the same system was carried on as that to which the first charge applied? There was here no case of a secret committee being appointed; but it was part of the case that although the guard committee was ostensibly withdrawn, in point of fact it was not intended to be withdrawn. Looking, therefore, to the whole case, he concurred entirely with Lord M'Kenzie in the sentence proposed. It was one of the most dangerous conspiracies that had occurred in this country for many a day. How it was possible that these prisoners, possessing the understanding that they

seemed to possess, could so have perverted their moral principle—could so have perverted their minds and understanding as to think that they were to be entitled forcibly to compel their brethren to cease to work, whether they would or not, was a matter that could not fail to astonish every person who thought of it for a moment. Liberty of labour was not to be vested in the domineering power of any Association. Every man was free as another, and had the liberty to use his labour as he thought fit.

The LORD JUSTICE CLERK, (calling the prisoners by their names) said,—The Jury have found by a majority, that the first three charges in this indictment have been proved—of the charge of conspiring to raise and keep up your wages or the price of labour by illegal means, and of the disturbances and molestations at Oakbank and Mile-end—as to which I intend to say nothing more than I have said. But it is the sacred duty of this Court, to convince the people of this country, that practices of this nature never shall be permitted to exist within any part of the boundary of this kingdom. And I trust for the real interests of the Operatives, that the punishment which you, the prisoners, are to suffer, will have the effect of putting an end to all such illegal conspiracies in future.

You have now to prepare yourselves for going to another country, where you will be permitted to enter into no such unlawful Association, where no conspiracies of this description will ever be permitted to exist. You can only prosper there by conducting yourselves in an orderly and honest manner, and not encroaching on the rights of your fellow-citizens in any way whatever, but submitting to the labour required of you, and which will be demanded of you in that place, and where your condition will be rendered comparatively happy, only by following an uniform course of rectitude in all time coming. I shall say no more to you than, that we feel it our imperative duty to award you the punishment proposed by Lord M'Kenzie, concurred in by Lord Moncrieff, and in which I also entirely concur.

The Clerk of Court then read the

#### SENTENCE :

“Seven Years' Transportation beyond seas.”

The Court, which was crowded to excess, broke up at 11 o'clock, P. M. The trial excited intense interest, and the length of the indictment, as well as the length of time occupied in the investigation, are without precedent in the records of the Scottish Courts.

In this all-important case, the Public should bear in mind that these unfortunate men were condemned by one man only. Some of the Newspapers have stated they were convicted by a large majority. Here is the proof of their error—will they be honourable enough to correct it?

#### THE MAJORITY OF EIGHT.

David Redpath, Confectioner, Nicolson-Street, *Foreman of the Jury.*  
John Graham, Farmer, Whiteburn.  
Smith Ferguson, Silk Mercer, James' Square.  
John Eggo, Merchant, Charlotte-Street, Leith.  
William Smith, Agent, Morton-Street, Leith.  
George Bayne, Merchant, Dunbar.  
Robert White, Meal Dealer, Bathgate.  
Alexander Stoddart, Farmer, Ingliston Mains.

#### MINORITY OF SEVEN.

Henry Lediard, Viewhill Cottage, County of Edinburgh.  
Robert Martin, Grocer, East Calder.  
John Clark, Grocer, Castle-Street.  
Thomas Stevenson, Brushmaker, South College-Street.  
Matthew Frier, Baker, St. Patrick Square.  
William Burton, Wright, Colinton.  
George Oxley, Hatzer, Canongate.